

By Mr. HILLIARD: Memorial of the Pueblo Trades and Labor Assembly, indorsing House bill 1654, granting an increase of pay to post-office clerks and letter carriers: to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Resolutions of the Croatians and Slovenians of the copper country, Michigan, at a mass meeting held at Calumet, Mich., urging a Slovenian republic; to the Committee on Foreign Affairs.

By Mr. MILLER of Minnesota: Resolution of a meeting held at International Falls, Minn., expressing their adherence to the letter and spirit of the fuel order and suggesting that enemy aliens be required to cut wood on days when industries are idle; to the Committee on Agriculture.

Also, memorial of the Bohemian National Alliance, urging the formation of a Czecho-Slovak state; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Resolution of the city commission of St. Augustine, Fla., urging Government improvement of the Florida Coast Line Canal; to the Committee on Rivers and Harbors.

By Mr. TEMPLE: Papers to accompany House bill 9891; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: Petition of David A. Fairweather and 37 other rural mail carriers, of North Dakota, asking for increase in compensation; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, February 20, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee for Divine inspiration. Fit us for the duties of this day. We would wait before Thee as those who look for the larger life and know that in the unfolding of Thy plans there is a Divine purpose in all the movements of this mighty Nation. Fit us for the issues and for the final result and for the glory of the purpose that Thou hast in us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of War submitting a supplemental estimate of appropriation of \$2,500,000 required by the Quartermaster Corps for mileage to officers and contract surgeons, etc. (S. Doc. No. 176), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the amount of \$400 for an additional clerk of class 1 (S. Doc. No. 175), which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. Mr. President, I have a resolution adopted by the City Council of Tacoma, Wash., relating to water-power matters. I shall not have the resolution read and printed in the Record, but it asks that in any water-power legislation that Congress may pass authority shall be given to the several States and legal subdivisions thereof to condemn the rights of any licensees, and also calls attention to the fact that under our law municipalities are permitted to and do regulate the rights of public-service corporations, and asks that they be not interfered with.

I also find that the City Council of Seattle have passed a similar resolution.

I move that the resolution be referred to the Committee on Commerce.

The motion was agreed to.

Mr. JONES of Washington presented a memorial of the Woman's Home Missionary Society of the Methodist Episcopal Church of Seattle, Wash., remonstrating against the enactment of legislation providing for the running of railroad tracks directly opposite the Lucy Webb Hayes National Training School and the Sibley Memorial Hospital in the city of Washington, D. C., which was referred to the Committee on the District of Columbia.

Mr. GRONNA presented a memorial of the North Dakota State Dairymen's Association, remonstrating against the enactment of legislation favoring oleomargarine and discriminating

against butter and other dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Art Club of Minot, N. Dak., praying for the repeal of the advanced second-class postage rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North Dakota Implement Dealers' Association, of Hope, N. Dak., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. ROBINSON presented a petition of sundry citizens of Yellville, Ark., praying for the repeal of the existing rates of postage on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a memorial of the Central Labor Union of Portsmouth, N. H., remonstrating against the adoption of the so-called Borland minimum eight-hour provision, which was ordered to lie on the table.

He also presented a petition of the Medical Society of Dover, N. H., praying that advanced rank be given officers in the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented a petition of Ebells Society, of Santa Ana Valley, Cal., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I desire to have the Secretary read at the desk a telegram from the governor of the State of Colorado.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

DENVER, COLO., February 16, 1918.

HON. JOHN F. SHAFROTH,
Senate, Washington, D. C.:

Woman suffrage has been very beneficial to the State of Colorado and its citizenship. I think it a just and wise movement to extend the right of suffrage to the women of the Nation.

JULIUS C. GUNTER,
Governor of Colorado.

Mr. SHAFROTH. Mr. President, I want to say in confirmation of the declarations contained in that telegram that I have examined as to the views of every governor of the State of Colorado and find that every one of them has given testimony to the beneficial effect of woman suffrage in that State.

I wish to call attention to a few sentences that were uttered by one of the governors who with prophetic vision 48 years ago voiced what would be the result of this movement. I read from the Rocky Mountain Herald of January 19, 1870. It says:

Gov. Edward Moody McCook, of the "fighting McCooks," as they were known in the Civil War, recommended woman suffrage in his message to the Territorial legislature of Colorado, delivered before the joint session of the council (Territorial senate) and house January 4, 1870, in which he said:

"Before dismissing the subject of franchise I desire to call your attention to one question connected with it, which you may deem of sufficient importance to demand some consideration at your hands before the close of the session. Our higher civilization has recognized woman's equality with man in all other respects save one, suffrage. It has been said that no great reform was ever made without passing through three stages—ridicule, argument, and adoption. It rests with you to say whether Colorado will accept this reform in its first stage, as our sister Territory of Wyoming has done, or in the last; whether she shall be a leader in the movement or a follower, for the logic of a progressive civilization leads to the inevitable result of universal suffrage."

Mr. President, it seems to me that in the Nation at large these first two stages have taken place—first, of ridicule, and, second, of argument; the third, of adoption, is about to be consummated. Since England, Wales, Scotland, and Ireland have now equal suffrage of women, it appears to me that we can do nothing better for civilization and good government than to adopt it by an overwhelming majority in the Senate.

DISTRICT JUDGE FOR NORTH CAROLINA.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 3217) providing for the appointment of an additional district judge for the western judicial district of the State of North Carolina reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 3924) granting an increase of pension to Freeman A. Forbes (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3925) granting a pension to Elizabeth A. Ashmead; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 3926) granting an increase of pension to George J. Trask (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 3927) granting an increase of pension to Henry Wiese; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3928) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, September 7, 1916, and June 21, 1917; to the Committee on Banking and Currency.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. GORE submitted an amendment providing that hereafter the Secretary of the Treasury may detail medical officers of the Public Health Service to the Department of Agriculture for cooperative assistance in the administration of the food and drugs act, and so forth, intended to be proposed by him to the Agricultural appropriation bill, which was ordered to lie on the table and be printed.

RAILROAD CONTROL.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the unfinished business, Senate bill 3752.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. STERLING. I send to the desk a proposed amendment to the pending bill and ask that it be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. UNDERWOOD obtained the floor.

Mr. RANDELL. I ask the Senator from South Carolina if he will not permit this bill to be set aside that we may act on the conference report upon Senate bill 3389.

Mr. SMITH of South Carolina. The Senator from Alabama has the floor.

The VICE PRESIDENT. Does the Senator from Alabama yield?

Mr. RANDELL. I ask the Senator from Alabama to yield. This is a very important conference report.

Mr. UNDERWOOD. How long will it take?

Mr. RANDELL. It ought to take but a very few minutes. I submitted the conference report yesterday, and it went over until to-day in order that it might be printed in the Record.

Mr. THOMAS. Mr. President, there is no question about the importance of the bill which the Senator from Louisiana has in charge. We should enact it as soon as possible, but I confess that I am not satisfied with one of the provisions of the conference agreement. I refer to advances of money to contractors and others who may become engaged in the erection of the structures contemplated by the bill. That part of the conference report empowers the Shipping Board to advance money upon such terms and security as it may deem proper to those who are to be engaged in this work for a term not exceeding 10 years.

I think that is a most dangerous provision and one which should be eliminated from bills under consideration and from conference reports as well, unless rigidly safeguarded. Advances which have been made under similar provisions of other laws, and particularly by the Shipping Board, as disclosed in the recent hearings of the Commerce Committee not yet completed, and advances made by the War Department to men who, having obtained contracts, secure these advances to build plants, having none when the contract was granted, have led and will lead to an unwise, extravagant—I fear scandalous—expenditure of public money. The Senator from Pennsylvania [Mr. PENROSE] mentioned an instance yesterday in committee, occurring in his State, where some one having obtained a contract for manufacturing war materials received an advance of millions, as he had no plant whatever, and it will take, of course, a very considerable time to erect the structure where the materials are to be constructed and furnished. Such conditions occurring with the best of intentions are fraught with danger.

In view of these experiences, we ought to rigidly safeguard the interests of the Government with reference to these advances, and that does not seem to have been done heretofore.

In fact the Government may be likened to a huge vessel freighted with a rich cargo surrounded by pirates seeking collusion at times with the crew which mans it for the purpose of loot. Contracts demanding large advances should not be let at all when avoidable, and advances should be secured as amply as they would be in private transactions.

Of course, I make no reflection—I hope I do not—upon the conference committee, who have done their work earnestly and actuated by the best considerations; but before I vote for this conference report I want this matter explained more fully than can be done under present circumstances. Therefore if the report comes up at present I shall be obliged to resist it.

Mr. RANDELL. I would be very glad to explain the matter and would like to get the report before the Senate.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. UNDERWOOD. Mr. President, I would be glad to yield to my friend from Louisiana for this purpose under other circumstances, but I am not disposed to do so at this time, for this reason: One of the most important bills that confronts the Congress is now pending. A time limit has been set on general debate, and general debate extends only until 2 o'clock to-morrow. Not only myself but other Senators desire to discuss the question that is now before the Senate. If there was no limit on debate on the railroad bill I would be glad to yield, but the Senate having fixed a limit on debate, I do not think it fair to those who desire to have a full discussion on the pending bill that other controverted legislation should be interjected at this time. Therefore I can not yield the floor.

The VICE PRESIDENT. The Senator from Alabama will proceed.

Mr. UNDERWOOD. Mr. President, we have declared to the world that we fight our armies on the battle fields of France to make the world safe for democracy. That is a great shibboleth for our soldiers to carry to the fighting line. It is in accord with the historic and fundamental principles of our Government. This, the first great Republic of the world, was established to make democracy safe. It lives to make democracy safe. It must fight to make democracy safe, and no one will raise a contention on that score.

But, Mr. President, we may fight to make the world safe for democracy on the fields of Europe, and whilst we are doing so should we neglect democracy in the States of America? Should we fail to see that the great principles of our Government are not carried out that make the principles of democracy safe for our own people?

Since the beginning of this war the Congress can congratulate itself upon the fact that it has upheld the hands of the Executive of this Government loyally and sincerely in every effort that he has made to carry on the war. We can congratulate ourselves that there has been no partisan spirit shown in the Halls of Congress; that the Republican Party, as well as the Democratic Party, has responded to the call of the Nation and has upheld the flag in the hands of the President of the United States. I do not think that there has ever been a time in the history of nations when a great people have been more united in their support of a cause than our people have been in the last nine months.

Mr. President, there has been some criticism of the executive branch of the Government in carrying out the war powers which have been delegated to it by the Congress.

Of necessity some mistakes have been made. You can not carry on a great business enterprise without making mistakes; you can not carry on a great Government without making mistakes. Every fair-minded man must recognize that when this Government was injected into the greatest war of the ages, without preparation and without preparedness, of necessity serious mistakes must be made in the mobilization of our armies and in the initial preparation for war; but, in my judgment, those mistakes have been of minor moment when you consider the mobilization of the greatest army that America has ever raised, when you consider that we have taken the great industries of this country out of the usual channels of trade and converted them into a war machine and made them effective. I think it is idle to criticize the mistakes which have been made, except for the purpose of pointing the way to a better method of accomplishing the result. I do not criticize the man who points out a mistake. If it is a real mistake and an honest criticism such action is for the benefit of the Government and for the good of the country.

But, Mr. President, with all that Congress has to its credit in the loyal way it has upheld the hands of the President and supported the cause of war, I think the time has come when we should pause and consider whether we, holding the great legislative functions of this Government, have not ourselves made

some mistakes—not mistakes of the heart, but mistakes due to the generosity and the patriotism of Congress in its endeavor to respond at once to the needs of the Nation.

"Make the world safe for democracy." Shall we abandon the safety of democracy for our own people? What makes democracy safe for the people of the United States? What makes democracy safe for any government in the world? The fathers who established this Republic solved the problem for us more than a century ago. They realized that a democracy which legislated in the forum, a democracy which responded to the sentiment of the hour, was not a democracy which was safe for the government of a people. On the other hand, we know that democracy can not be safe in the hands of an autocratic government; that a democracy can not be safe when the power of government is placed in the hands of men, and not regulated by just laws. The fathers who led the Revolution against the autocratic Government of Great Britain realized on the one hand that the government of a dictator, the will of one man, could not be a safe government for the people. On the other hand, the French Revolution was an example that a democracy that drew its breath and its power from the mob in the street could not protect the liberty of the people.

The Congress can not nullify the plain provisions of the Constitution, but through neglect in safeguarding them in our legislation we can in a large measure make them inoperative. The Constitution contemplates that all officers of importance shall be appointed by the President and confirmed by the Senate, as a guard against incompetent and unworthy men exercising the power of government. When the Congress in its legislation allows men to be appointed to office by subordinate officials to exercise great power over the people of the country one of the safeguards of the Constitution has been in part abandoned. The Congress can confide great governmental powers to the Executive, without defining their scope or limiting their operation, leaving the subordinates of the Chief Magistrate to adopt rules and regulations for the government of the people that have the force and effect of law and are often oppressive and dangerous in their character. When the Congress has done its full duty to the people, it should fully define the scope of the law and the terms of its enforcement in the statute as it is enacted, so all men may read as they run and the greatest citizen in the land may not trench on the rights of the humblest and all men shall stand equal before the law.

More than a hundred years have rolled by since the French Revolution, and to-day in Europe we have the same example again set us. We see the power of an autocracy—the last great autocracy that this world shall know—the power of the German Emperor, driving the world into the horrors and terrors of a world war for greed of power, for aggrandizement of territory under the despotism of a single nation. Yet, on the other hand, we have seen the fall of a great autocracy in Russia; we have seen those people attempting to establish a government for the people; we have seen it fall into the hands of an uncontrolled mob; we have seen the power of that government exercised without law, without checks, and without balances; we have seen a legislative assembly chosen by the people dispersed at the point of the bayonet because that government had swung from the power of the autocrat to the despotism of the mob.

Our own Government possesses to-day the checks and balances in the Constitution of the United States that protect us from the despotism of the autocrat and the ruthless spirit of the mob, provided the Congress of the United States will uphold and maintain the sovereign powers created by the people of the United States and enshrined in the Constitution of our country; but when the Congress of the United States reaches a point where it is prepared to abandon constitutional limitations, surrender a government of law and establish a government of men, then there is danger ahead for the people of the United States.

After the adoption of the Constitution the wise men of that day felt that there were further checks and balances that should be written into that instrument for the protection of the people of the United States, and they adopted the first 10 amendments to the Constitution for that purpose. Article VI of the Constitution provides:

This Constitution, and the laws of the United States that shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land—

A distinct declaration in favor of a government of law and not a government of men. Our people even in time of war are entitled to a government of law, and not a government of men.

I am not critical of what has been done in the past. If I were I would be critical of myself, because I have responded, as my colleagues on this floor have responded, to the request of the

President and to the call of the Nation to give the Executive of this Government the power to conduct the war; but the war has been on for nine months. Speed was required in the beginning. The Congress did not then have the opportunity, with our fleets on the sea and the lives of our citizens in danger, carefully and deliberately to write the laws which should govern the country and regulate the procedure under the great powers given to the Executive. But that speed is no longer needed. Unlimited supply of money has already been given; a million and a half men have been enlisted in our Army; our Navy is effective and efficient; we can not possibly get to France within the next few months the soldiers that we have in the cantonments in America to-day. Speed in legislation is no longer required. The time has come when we have the opportunity to consider, and we should consider wisely, to deliberate, and we should deliberate well, before we put on the American people ill-considered legislation, legislation that is not drafted so that it will protect their fundamental rights even in time of war.

Mr. President, I intend to vote for this bill, unless it is amended by the Senate in some of its fundamental provisions that would prevent my doing so, and I am not apprehensive that the Senate before its final vote will agree to any such amendment. I feel that in the enactment of this legislation we should not content ourselves with merely giving general powers to the Executive and then allow the Executive to make the rules and regulations that will govern the people of the United States. If that had been the purpose of the people when they organized the Government, they would not have provided for a legislative assembly. We know that in order to have a strong Government we must delegate the executive power to a single head; that for the execution of the law one hand is more forceful and more effective than a dozen hands; but we know that the experience of ages has taught us that if we are to make laws under which our people must live, laws that shall be the foundation for the real government of our country, we must have reflected in a legislative assembly the wisdom of the people as voiced by their selected representatives. Safe government for democracy can not be accomplished in any other way. Abandon a government of law, and you come to the autocracy of Germany on the one hand or the mob of Russia on the other.

We may adopt the pending bill, with its lack of limitations and its crudeness of draft, as a war measure; but when we step one foot beyond the period of this war, when we have carried the whole transportation system of the United States out of its usual channels, out of the checks and balances of established government, and turned it over to a one-man power, and it projects itself beyond the period of this war, we are establishing the machinery of oppression; we are building up an organization for the destruction of business; we are endangering the fundamental rights of the American people; and I therefore say that unless the bill is limited to the period of the war and a reasonable time thereafter, it can not receive my support.

I know that behind the bill stalks the shadow of two contending forces—on the one hand, men who honestly believe that the great transportation problems of this country can never be properly solved in the interest of the people unless you have direct Government ownership; and, on the other hand, men who honestly believe that there is great danger in Government ownership, and believe that the problems of transportation can be better solved by Government control and private ownership. I say to the contending factions on both sides of that question that this is not the hour or the time for those problems to be solved; that this is not the forum where we can deliberately and efficiently dispose of those questions for the benefit of the people of the United States.

Every Senator here knows how difficult it is to legislate under existing conditions. Every patriot—and I do not question the patriotism of a man who occupies a seat in this Chamber—every patriot, in times like these, desires his record to stand without a blemish before his country. He is naturally and justifiably desirous of avoiding criticism that may reflect on his loyal support of the Government, he desires to be loyal to the flag, and to do his full duty to the soldier boys who fight to-day on the fields of France. In the hours of excitement, the hours of national danger, it is but natural that men's motives may be reflected on by those who differ with them, that men's attitudes may be misunderstood when they occupy a position which combats the executive head or the views of the majority that happens to report legislation to this body. It is difficult for men to rise above those conditions, to have that freedom of thought, that freedom of action, which they can and will have when this war has been successfully fought out for the cause of democracy. Therefore I say this is no hour for our Government to involve itself in fundamental legislation; it is not the hour when we should

jockey for position; it is not the hour when we should use pending legislation for the purpose of establishing a position that we may wish to occupy when the war is over.

Therefore, when I say that I feel that there should be a limitation on the legislation defined in the bill, it is not because I side with those who favor Government ownership of railroads, or because I have become a partisan of those who favor Government control of railroads; but it is merely because I believe that the crudeness of the legislation, its lack of checks and balances to protect the people of the United States, should carry with its adoption a guaranty that the legislation shall be returned to the Congress of the United States without limitation and without checks and without embarrassments as soon as it is practicable to do so after this war is over.

The bill provides a limitation of 18 months, and I am willing to accept the bill under those circumstances. I am frank to say that in the committee I favored a shorter time; but the committee reached an agreement, a compromise on the question, and agreed to report a bill limiting the operation of this law to 18 months after the close of the war. I accepted the compromise, and am prepared to stand by it.

Mr. President, I do not think we can thoroughly and understandingly discuss the pending legislation unless we consider the surrounding facts and circumstances that brought the bill before the Congress of the United States.

In August, 1916, a foreign military force had crossed the border of the United States and invaded one of our cities, and had murdered some of our citizens. The Government of the United States was mobilizing an Army on the Mexican border. It was necessary for the protection of our people. At the same time the great railroad organizations of this country were contending with the owners of the railroads for increased wages. It appeared that a dangerous, universal railroad strike might occur in the United States at any time.

A railroad strike at that time would have prevented the mobilization of our troops on the border, because without transportation we could not have moved the National Guard from the several States to the Rio Grande. At that time a bill was pending before the Interstate Commerce Committee providing for the Government's taking charge of the railroads should that contingency arise; but the committee had not reported the bill. It was still under consideration when an amendment was offered to a supply bill, an appropriation bill of some kind, to take care of the situation; and that amendment was adopted and enacted into law. It read in this way:

The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful and desirable.

That piece of legislation shows conclusively the unwisdom of the Congress legislating about grave matters without due consideration. No man in either Chamber of the Congress at the time the legislation was passed thought for one moment that it was giving power to the Government of the United States to take over the entire railroad systems of this country. It was passed for a purpose, and a single purpose, and that purpose was to enable the Government to mobilize its troops on the Mexican border.

Conditions changed. Instead of a war with Mexico, within one year we found ourselves involved in the greatest war of history. Instead of requiring railroad transportation for the movement of troops, we found that the railroad systems of this country had broken down in the movement of war material to the ports on our eastern seaboard. It became necessary to take some action in reference to the situation; and under the Mexican border mobilization act, with the consent of the railroads, the President of the United States, by proclamation, took over the great railroad systems of the country. I say "with the consent of the railroads" because I sat in the Committee on Interstate Commerce for two weeks, heard the representatives of the railroads testify in reference to the bill, and up to this good hour I have not heard one of them raise a point of objection to the railroads being taken over by the Government of the United States.

More than that, I think it is clear that if the railroads of the United States had resisted the power of the Government, the courts would have maintained their existing status until the Congress legislated. Now, I am not contending that it was not necessary to take action. I agree that some action in this matter must have been taken. I am not criticising the President for authorizing the taking over of the railroads by the Government, but I think in passing the legislation we might as well look the question squarely in the face and recognize that the railroads of

this country were taken over by their consent and with their acquiescence. It is apparent that they could not have been taken over if they had not agreed to it. The fifth amendment to the Constitution of the United States provides, in part, as follows:

Nor shall private property be taken for public use, without just compensation.

The President of the United States did not propose to take over the roads without just compensation. In his proclamation he stated that they should have just compensation. He stated the terms on which he believed just compensation should be given, so that there was no intention on the part of the Executive to violate the Constitution. But the law itself was short. The law had not provided for just compensation. In the statute of August 29, 1916, no provision whatever is made for the payment of just compensation upon the taking over of the railroads.

I will not occupy the time of the Senate in citing law cases, but the courts of the land have held from the beginning that a statute which takes private property, but does not within the terms of that statute provide just compensation for property taken, is in violation of the fifth amendment to the Constitution of the United States and must fall.

During the course of the testimony before the committee which had the bill in charge I asked one of the leading lawyers who represented the railroads before the committee as to whether he considered the provisions of the act of August 29, 1916, as constitutional, and he said he did not. I think it is demonstrated beyond cavil that if there had been a resistance on the part of the railroads in taking them under Government control they could not have been taken over until there was legislation by the Congress of the United States. I say this not for the purpose of this debate but—

Mr. POINDEXTER. Mr. President—

Mr. UNDERWOOD. I yield.

Mr. POINDEXTER. Would not the constitutional requirement have been satisfied, notwithstanding the silence of the statute on the subject, by the right of the railroad companies to go into the courts and recover just compensation? The courts were open to them and the decision of what is just compensation is at any rate a judicial question.

Mr. UNDERWOOD. Well, I recognize what the Senator says—

Mr. POINDEXTER. I should like to add this further remark in this connection, to which I think the Senator will agree, as no doubt he is familiar with the decisions of the Supreme Court of the United States. It is not a violation of the Constitution to take property without compensation. All that is necessary is that there shall be a reasonable means of obtaining compensation, in other words, due process of law.

Mr. UNDERWOOD. Surely. The Senator has stated the case exactly—that there shall be a reasonable means of obtaining just compensation.

Now, I had that matter in mind when the bill was before the committee. There is a general law on the statute books of this country which authorizes a citizen of the country, under certain circumstances when his property is taken, to go into the courts and sue for just compensation. But I called that statute itself to the attention of the distinguished lawyer who was representing the railroad companies before the committee, and asked him whether that statute would validate the act of August 29, 1916, and he said he did not think it would, that it did not provide the means of just compensation under these circumstances; that the taking over of the railroads temporarily, not permanently, the establishment of a partial system of compensation could not be taken care of by the general statute. More than that, the railroad obligations had to be met, the payment of the men, the payment for their supplies. If a railroad company was forced simply to quit its business, leave its debts unpaid, and go to the Court of Claims to file a suit to recover judgment some year or two years or a decade thereafter, such a statute could not and would not in reasonableness meet this situation, and no court would hold that it would.

Therefore, I agreed with the distinguished lawyer who represented the railroads in his statement that the laws of the land were not such that under the act of August 29, 1916, there was any provision for just compensation to pay for the property taken over by the President.

That being the case, the Congress is confronted with this condition. We have taken possession of the great transportation lines of America. It is not a question as to whether we are going to take them or what we are going to do; they are already in the possession of the Government. On the other hand, we are confronted by the fact that there is no law on the statute books to pay the owners of this property their just compensation for

the taking. So legislation by Congress must inevitably follow the meeting of these conditions. We can not avoid it.

But there is another fundamental question involved here, and that is how far our powers extend. The courts have repeatedly held, in decision after decision which I will not take up the time of the Senate to read, for I am sure no Senator here will controvert the fact, that the legislative body has no power to fix in its enactment what is just compensation for property taken. It is a matter of judicial ascertainment and not of legislative enactment. Therefore, we meet that limitation along our path in the enactment of this legislation, that we have not the power to prescribe what shall be the terms of payment for the taking over of these railroad properties. There was no man on the committee who raised a contention about that. I do not think there is any man in the Government or any man in the railroad organizations who controverts that suggestion.

Your committee in considering this legislation found itself confronted with the fact, on the one hand, that we had possession of the railroads; on the other that we must provide for just compensation for the taking of the railroads, but did not have the power to fix what that just compensation should be. So your committee has reported a bill here recognizing the taking over of the railroads as a lawful act by the President of the United States, and also providing that, if an agreement can not be reached otherwise, any of the owners of this property may go to the Court of Claims and sue in that court for the value of the property. So the bill meets the requirements of the Constitution in that particular.

But it must be apparent to all that if we had stopped there we would not have accomplished the full requirements that are needed for this legislation. It must be apparent to every man that if we had relegated the owners of the railroads to the Court of Claims and brought about endless litigation we would not have relieved the country in this situation; that the salaries of the men must be paid, and there must be provisions for paying them. The railroads must run, and they must continue to be going concerns. Their liabilities must be met and must be met promptly. Therefore, following a suggestion made by the President of the United States, between the two horns of the dilemma—the taking of the railroads, on one hand, and their right to go to the court for just compensation on the other—the committee in reporting this bill to Congress has attempted to write into it a vehicle by which an arrangement can be made between the Government and the owners of this property that will settle the case out of court.

Mr. President, if this were permanent legislation, if this settlement were to fix on the people of the United States a permanent charge for all time to come based on the value of this property, reached in a settlement of this kind, I would not support the bill. I think when the time comes, if it ever comes, for the permanent taking over of the railroads by the Government or for the permanent control of the railroads in the hands of private owners by the Government, in either case one problem must be solved before you can move a step toward the final disposition of the question, and that is to determine what is the value of these great railroad systems.

Mr. KING. Mr. President—

The VICE PRESIDENT. Will the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I will.

Mr. KING. Does not the Senator think that there is one problem more important than that which must be determined first, namely, the constitutional power of the Federal Government to take over a railroad system or a multitude of railroad systems and embark upon the business of running railroads in the country as a private proprietor would do?

Mr. UNDERWOOD. The Senator is probably correct. At least it is a grave problem that needs careful and full consideration when the time comes. But I was not discussing the question from that standpoint. I am not discussing the question from the standpoint of permanent legislation, except to say that if this is intended to be permanent legislation I am not willing to leave the question to a committee appointed by the President of the United States to determine what is the value of these railroads. I think if it is going to be a permanent ascertainment of their value, and under that ascertainment create a fixed charge for all time to come on the traffic of this country, then the people of the United States are entitled to have the ascertainment of that question determined in the courts of the land. There is no other place where it can properly be determined. We have a Government of law. We are a law-abiding people. We accept as the final arbiter of justice and right in this country but one great power—the courts of the land. We have divorced the courts of the land from political contentions. We have divorced the courts of the land

from private greed. We have set the courts of the land here to ascertain the law and the justice for the people of the United States, and so grave and great a question as this can not be finally and properly determined in any other forum than that forum, which gives the contending parties on either side the right of appeal to the Supreme Court of the United States.

But as a temporary measure for the period of the war and for a short time thereafter I, as a representative of the people of Alabama and you, as representatives of the people of other States, in my judgment, can afford to commit this question to the President of the United States for its temporary ascertainment; and I believe for a temporary ascertainment it is better to commit the question to the President and his agents rather than to drive the railroads into the courts at this time for its final ascertainment.

There can not be any very serious injury that will happen to the people of the United States even if the railroads are given too great a compensation at this time for a year or two. It may be one of the burdens of the war that we must carry, one of those burdens that the people of the United States have indicated many times in the last few months they are willing to carry cheerfully, loyally, and patriotically; but it would be a very different question if by our enactment we proposed to tie this burden finally around the necks of the people of the United States for an indefinite time to come.

Complaint has been made here that the bill proposes to give the railroads too great a compensation as a rental value for the railroads. I think we should look at the question fairly and justly. In an emergency I might properly give you a very much higher rental for your automobile than under ordinary conditions I would be justified in paying you, and in an emergency and a disruption of your own business you might be justified in asking me a much higher rental for your automobile than under ordinary circumstances you would be justified in asking.

This taking, as the bill stands, is not a permanent taking. The compromise that we authorize the President to make is a temporary compromise. It is to pay the railroads not only for the use of the railroads to-day but the taking of the railroads out of the hands of their present owners and diverting their freight, diverting their business, from the usual channels of trade is a question that should be considered when we recognize that some day in the near future, if the bill stands as it is written, these railroads will go back into the hands of their owners with possibly their entire business system torn up by the roots.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. Yes.

Mr. KING. If the Senator will pardon me for a brief suggestion, I think his argument, perhaps, would be invulnerable if the amount paid was slightly excessive and it extended to all roads; but, as I understand this bill, from the tables which have been submitted by those who have discussed it in support of and against it, a number of the roads will receive very large returns, whereas others, notwithstanding the destruction of their business, to which the Senator has referred, by reason of the Government taking them over, will receive small returns because their returns in the past have been small. The plan of this bill does not propose to equalize the amounts which shall be paid to the various railroad companies; some will have very large earnings—too large, in my opinion; larger than are warranted—while others may have returns too small. That fact will provoke unrest, criticism, and resentment among the railroads, and certainly will provoke criticism and resentment upon the part of those who are compelled to pay to those railroads to whom payments will be paid by the Government returns not warranted and greatly in excess of a fair earning upon the capitalization of the roads.

Mr. UNDERWOOD. Mr. President, if the bill justified the premise the Senator from Utah [Mr. KING] has laid down. I think his argument would be correct; but, so far as I understand the bill, it does not justify the contention that the Senator makes. As I stated in the beginning, this bill provides for the taking over of the railroads on the one hand and their right to enter the Court of Claims and to sue for just compensation on the other; but in between those two points an effort has been made to allow the President to compromise and reach an agreement with the railroads as to what is fair and just compensation for a rental value for their temporary use and taking over.

Of course I have listened to the arguments which have been made here by able Senators. I gather from the arguments which have been made that they do not view this bill from the standpoint that I do or they do not consider the limitations of the bill the same as I do or they would not make those arguments; but when you come down to the question of the President mak-

ing this agreement with the railroads—I will not weary the Senate by going into all the details—there are two distinct provisions: One relates to railroads that have been solvent and have been paying dividends, to what are called in this bill the “dividend-paying railroads”; the other relates to the railroads which in the last three years have paid no dividends and are more or less weak or insolvent or have been in bankruptcy.

As to the last provision, those Senators who have rested their argument on the contention that has just been stated by the Senator from Utah, have made no objection, so far as I have heard, to the provisions of the bill in reference to nondividend-paying railroads; they have not contended that the President is going to pay too much or too little or to discriminate against one railroad in favor of another; and yet that section in reference to the nondividend-paying railroads reads in this way:

If the President shall find that the condition of any nondividend-paying carrier was during all or a substantial portion of the period of three years ending June 30, 1917, because of nonoperation, receivership, or where recent expenditures for additions or improvements or equipment when not fully reflected in the net operating railway income of the said three years or a substantial portion thereof, or other undeveloped or abnormal conditions, so exceptional as to make the basis of earnings, hereinabove provided for, plainly inequitable as a fair measure of just compensation, then the President may make with the carrier such agreement for such amount as just compensation as under the circumstances of the particular case he shall find just.

As to that class of railroads there is no limitation at all. The bill gives the President the absolute unlimited right to make an agreement with these railroads to pay them any amount. He could, under the terms of this provision—of course he will not do so, and no one expects him to do so—agree to pay these nondividend-paying railroads all of the interest on their bonds and 10 per cent on their capital stock, notwithstanding they had not made a dollar in the last three years. The Senators who object to the first clause of this bill have no objection to the last clause, although it gives the President the unlimited right to make any agreement he desires to make.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. KING. I do not want by my silence to seem to acquiesce in the statement just made by the Senator from Alabama. I do not want to be included in the category of those Senators who would approve of the course which has just been suggested by the Senator and which possibly might be taken by the President of the United States.

Mr. UNDERWOOD. Neither I nor the Senator from Utah for a moment would think that the President of the United States would take such a course. I merely say that it is possible for him to do so.

Mr. KING. Personally I do not think that the Government of the United States when it takes over property in an emergency of this character that is nonproductive, that could not under any circumstances pay dividends, should be called upon to pay a dividend upon such property or pay for its use.

Mr. UNDERWOOD. Certainly it should not; and the President of the United States undoubtedly would not pay them a dividend, but he could do so; there is not any question but that he could do so if he so desired. This provision is put in here by the very men who are objecting to the first clause of the bill.

To what are they objecting in the first clause of the bill? They are objecting to a limitation that has been put into the bill against the President going above a certain amount in the payment of solvent railroads; that is their objection. They do not object to the President having unlimited power if it is a bankrupt road, but they do object to the fixing of a basis which the President shall not exceed in his making a contract with the dividend-paying railroads. Now, listen to this. The first clause of the bill provides:

That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission that during the period of such Federal control it shall receive as just compensation not exceeding an annual sum (herein called standard return), payable in reasonable installments—

“Not exceeding an annual sum.” Then it provides what that annual sum shall be. The bill does not say that the President shall pay them that amount; there is no provision in the bill that will force the President to pay them that amount, but it is a limitation on the power of the President to go above that amount in making a settlement as to these dividend-paying roads. I do not think for a moment that the President is going to pay all that the railroads demand and all that they expect; but when you write in the law a limitation on the President’s

action you have got to make that law broad enough so that he can deal with each individual railroad system that comes before him for settlement.

I might illustrate the situation to the Senator from Utah in this way: There [indicating] is a door coming from the cloakroom. If the Senator undertook a contract to move the furniture out of that cloakroom into this Hall he would have to have that door large enough to bring out the larger pieces of furniture in the room, or he could not get them out; on the other hand, the door would be vastly too large to bring out all the chairs in the room, and it would not be necessary to have an opening as large as that to bring out the smaller pieces of furniture. It is the same in this case. The pyramiding of this limitation is not for the purpose of giving the more successful roads higher pay, but the pyramiding of the limitation is for the purpose of letting the weaker roads get in and make a compromise. If we did not fix a limitation on the President broad enough for him to make a compromise with the roads which, although dividend payers, have not been very successful, which have not made a large amount of dividends, which have not been able to keep up their betterments and repairs, then they would fall out, and he would drive them into the Court of Claims to settle the controversy. Therefore the breadth of this limitation is not to fix a standard to let the big road in, but the breadth of the limitation is to fix a standard by which the President will be able to deal with the weak roads. If the Senator objects to this provision on that account, the only possible basis on which he can object to it is that possibly the President, through his agents, will not act wisely in the matter. If he acts wisely, no man can object; if he acts unwisely, then a legitimate objection would rest.

It is not necessary in this bill, in order to make it constitutional, to give this authority to the President; it is a mere matter of wisdom. Is it wise to trust the President to make this temporary settlement—and I would not be willing to provide for it if it were to be permanent—with these railroads for the period of this war to avoid litigation, to keep them going concerns, and to take care of the present situation, or is it unwise to give him that power? If we are going to give him the power, we must not put such limitations on that power as will let him make compromises with certain big, strong roads and will prevent him making compromises with the weaker, smaller roads, and drive them into the Court of Claims to get their just compensation. That is all there is involved in this clause. If we are not willing to trust the wisdom of the President in the matter of a temporary agreement, then that clause ought to come out of the bill, and it could come out without endangering the constitutionality of the bill. For my part, I believe, as a temporary measure, it is wise to allow that discretion to rest with the President, believing, as I do, if the bill passes in this form, that this whole question must come back to the Congress in a very short time for our final disposition.

Mr. KING. Mr. President, will the Senator yield to me further?

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. KING. The point to which I directed the Senator’s attention awhile ago could easily be covered by an amendment to the bill reading somewhat like this: “That the President of the United States is authorized to make settlements with all railroads that shall be taken over under the provisions of this bill, paying to them an amount as a standard amount which is the average of their earnings for the three years ending June 30, 1917: *Provided*, That no road shall receive in excess of 5 per cent or 6 per cent upon the capitalization of the road.” That would obviate the criticism I suggested a moment ago.

Mr. UNDERWOOD. I know that it is contended by very distinguished Senators that a railroad corporation because it is a public-utility corporation does not stand in the same attitude, so far as its property is concerned, as other property owners of the United States; but, knowing the distinguished career of the Senator from Utah on the bench in his own State, I am surprised to hear him adopt that argument. The Senator knows as well as I know that the Congress has no power to fix what “just compensation” is; that we can not prescribe a rule of what just compensation is, and then make the aggrieved party take it. This bill does not attempt to do that. But if the amendment the Senator suggests were put in, it would either make the bill unconstitutional or it would mean nothing on its face, because it is apparent that if it attempted to fix 5 per cent as just compensation it would not stand the test of the courts, and, on the other hand, if it is provided that a settlement should not be made for more than that amount, it is folly to

say, if a railroad corporation were making more and knew that it could establish a greater claim in the Court of Claims, that it would accept it from the President.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from Utah?

Mr. UNDERWOOD. Certainly.

Mr. KING. In the suggestion which I made I did not intend to imply the idea that the railroad companies would be compelled to take the amount that I named. I merely intended to convey the idea that the President could be authorized to settle with the railroads that were taken over with certain limitations, but that, if they declined to accept the tendered settlement within those limitations, they would have their recourse to the courts, as by the bill provided.

Mr. UNDERWOOD. I am sure the Senator meant that, and I recognized that when he made his statement, although his first statement did not cover the ground which he has covered in these last statements. The Senator, however, can readily recognize where that leads to. You either want the President to compromise these cases or you do not. If you want him to compromise with one railroad, you want him to compromise with all. If you want to avoid litigation in the Court of Claims with one set of railroads, you want to avoid litigation in the Court of Claims with them all.

It is impossible for the Congress to understand all of the conditions and facts that surround each one of these railroads. It is impossible for us to ascertain what would be just compensation at this time. There are a thousand circumstances and a thousand conditions that surround the case.

Why, I can illustrate in this way: If you had a ship that the Government was going to take over, and was going to take it permanently, and take your capital, based on the value of the property, one of the material questions involved would be the cost of the ship. But if the Government was only going to take it over for the period of this war and no longer, and return it to you after the period of the war, and possibly you had paid for it or a part of it during the high prices of the war, and during the war the rental value of that ship was very high, very much higher than would be commensurate in times of peace, do you think for one moment that, if it were the temporary rental value the court would not take into consideration its present rental value in fixing the value of the temporary taking, whereas if it were the permanent taking for all time to come, the payment for the value of the property, the present rental value might be infinitesimal in the consideration of the court in fixing value.

There are but one or two ways in which we can fix limitations in this bill that will work out justice all along the line. There are just two things that you must do. Of course, in the last analysis, the court is the proper place to have this question decided; but for a temporary taking, and for questions of expediency, we think it wise to have it temporarily settled by the President.

If that is the case, there is but one thing that you can do in the matter, and that is to leave the question of the value for the temporary taking to the discretion of the President; for if you do not, you are going to exclude from the consideration of a compromise a large number of the railroads of this country, and drive them into the courts.

Mr. President, it has been stated a number of times in debate and in the papers that the cause for taking over the railroad systems by the Government was congested traffic conditions in the United States, which made their taking over necessary. If that were all involved, if that had been the only question that it was necessary for the Government to consider, I do not believe it would have been necessary to take over the railroads to clear up the congested condition of traffic that existed last December and to large extent exists to-day. In the first place, the congested traffic conditions only related to a portion of the roads in this country and a part of the territory of the country. It is true that where the congestion was worst was right at the neck of the bottle where the stream had to flow out. I am not prepared to say that the congested condition was due to mismanagement on the part of the railroads. I am not prepared to say that the war board selected by the President, representing the railroads, which operated them for eight months, could not have relieved the situation as far as congestion was concerned if they had received other necessary legislation to take care of the situation.

Take the country west of the Mississippi River: There was practically no congestion there, and the traffic was greatly increased. Was that due to war conditions? Yes; and due to other conditions. One condition was that the increased price for shipping and freight rates across the Atlantic had attracted

all the ships from the Pacific coast and those in the intercoastal trade to the Atlantic Ocean for business. There was practically no water transportation left a year ago through the Panama Canal between the western coast of the country and the Atlantic seaboard. What was the result? A very large amount of business which has been going by water heretofore, either through the canal or around the Horn, was driven across the continent on the railroads.

Those western railroads took care of that situation. In the main, the southern railroads took care of the situation; but the difficulty that confronted the country was not altogether the fault of the railroads nor the fault of the Government. To a large extent it was the fault of the shipper and trade conditions which existed before the war. Most of the ships doing business with Europe insisted on coming to the ports of New York and Boston to get their cargoes. European freights had to go to the port where the ships went. They could not go to any other port. It would have been folly to send freight destined to Europe to the port of New Orleans or Mobile when the ship to carry it was not in Mobile or New Orleans but was in the port of New York. More than that, the foreign governments which are now our allies had been purchasing large supplies of material in this country for nearly three years before we became involved in the war, and for some reason they insisted that the port of shipment in the main should be the port of New York and had their shipments of iron and steel and other war munitions sent to that port, so that before last summer was over the congested condition around the port of New York was apparent. It did not take a prophet to tell what was coming. All a man had to do was to ride up the Pennsylvania Railroad and look at the terminals around Jersey City and New York and know what was going to happen, with thousands and thousands of freight cars standing on the sidetracks because there was no ship in which to unload their cargo.

This was not the fault of the railroads. It was not the fault of the Government, because up to that time the executive branch of the Government had not taken the authority to handle that situation. As a matter of fact, to some extent it was the fault of the laws of the land, because the law in times of peace, to protect the rights of the shipper, has provided that the shipper might designate the line of shipment for his freight; and even the transportation company did not have the right to divert that freight. Now, it is true that with Executive sanction the Railroad War Board did in the last month or six weeks of its operation really violate the law by directing those shipments along channels that were not directed by the shipper himself.

But, in my judgment, that was not the real cause or necessity for the taking over of the railroads. By proper legislation the question of congestion could have been relieved, and will be relieved. The real cause for the taking over of the railroads, in my judgment, was a question of finance.

The Commercial and Financial Chronicle list of October, 1917, shows the following maturities of railroad obligations:

1918 (this year)	\$182,606,582
1919	188,213,052
1920	186,526,253
1921	440,905,528

Making a total of \$908,251,415 of railroad securities that will mature in four years.

Mr. KELLOGG. Mr. President, I should like to ask the Senator from Alabama if that includes short-term notes and all obligations?

Mr. UNDERWOOD. I think it does. However, I will not attempt to answer that, because I am not sure about it.

Mr. KELLOGG. It may be that it does.

Mr. UNDERWOOD. I gave my authority, and at least that much is falling due. It may be more.

Mr. KELLOGG. I think possibly it does, because most of the notes are short-term notes. The only reason why I asked the question is that somebody before the committee estimated the obligations falling due in 1918 at \$225,000,000; but that estimate may have been wide of the mark.

Mr. UNDERWOOD. There was a larger estimate before the committee. I have taken the more conservative one, and this has not been questioned by anyone. So that the railroads of the country and the country itself were facing the condition last December of at least \$182,000,000 worth of railroad securities maturing this year and a billion dollars' worth of railroad securities maturing within the next four years.

Under normal circumstances there would have been no difficulty in the country in absorbing most of those securities, and the renewals would have been made. It is true that the railroads of the country, by reason of many circumstances, have found it more and more difficult each year to renew their obligations at low rates of interest and were, from year to year, compelled to pay higher and higher rates of interest on their maturing obli-

gations. Nevertheless, I am satisfied that if the war had not taken place, when these obligations matured they could have been renewed at some fair and reasonable rate of interest.

But with the conditions that now confront the country, the necessity on the part of the Government to issue bonds to carry on this war, the fact that we have already issued a large number of bonds; that we have raised the Government rate of interest to 4 per cent; and that it is expected that we will be compelled to issue at least \$10,000,000,000 worth of bonds between now and the first day of next July, it is readily seen that it was a matter of impossibility for the railroads to renew these obligations. They would have been compelled to default on the principal, because they did not have the money with which to pay the principal, and they could not sell a 4 or 5 per cent railroad bond in competition with a 4 per cent Government bond.

Therefore one of two conditions of necessity must happen. Either the Government of the United States had to take over the railroads and finance these securities during the period of the war or the Congress of the United States had to declare a moratorium and provide that no suit should be brought on any of these bonds to foreclose them during the period of the war, and a reasonable time thereafter, if they wanted to continue the operations of the great railroad systems of this country and not throw them into the hands of receivers.

Now, you might make an argument on either side of that case, as to which was the wiser thing to do. You might make an argument on either side of this entire problem of taking over the railroads, as to which was the better course to follow; but something had to be done. I do not think there is a sane business man in the United States who does not recognize the fact that in December last it was necessary to do something. The President of the United States, in his wisdom as the Chief Executive of the Nation, decided on the course to follow. A captious critic may criticize him for the course he pursued. But that is a mere matter of contention. If he takes the other horn of the dilemma and pursues the other course the captious critic might have said what he ought to have done was to take over the railroads. So I do not think it is a question for us either to criticize or to contend about. The Chief of the Nation found himself confronted by a situation that required action. He took the action that he thought was wisest and best for the Nation, and I believe it is the part of Congress to recognize it in good faith and vitalize and take care of it for the emergency of the war. If we do so, and limit it as a war emergency, I do not think anyone can expect or will receive criticism from the American people.

Mr. President, I have spoken much longer than I expected. There is but one other question which I think is very vital to the bill that I wish to touch upon before taking my seat. I do not care about the details. They are important and should be well considered, but it is not the details of the proposition I am contending for—it is the proposition itself; and that is the question as to the making of rates for freight and passenger traffic during the term of the war or the life of the act. When the proponents of this measure brought the bill before Congress and the committee they proposed that the President—which, of course, meant his agent—should have the unlimited right to make and remake the freight rates of the United States. I believe that is a most unwise provision and would be a most unfortunate provision if it were enacted into law.

In the first place, under the terms of the bill the President has taken over the railroads primarily for governmental purposes, to move the troops, to move the munitions, to move war supplies, and secondarily to look after the great business interests of this country which must be protected and taken care of if we do not involve the country in a panic.

Now, so far as the governmental function is concerned the question of making rates is of no importance whatever. It is not a practical question at all, because it is unimportant as to what the rate is when the Government has rented all the railroads and is paying a rental value for them and is going to pay the rental value whether the railroads make the money or not, and all the profit that the railroads make above that rental value is going into the pockets of the Government. So far as Government freight is concerned, whatever the freight may be, you are paying it out of one pocket and putting it into the other. So the question of freight rates and passenger rates is merely a question that involves the private business of the United States.

I am not here to contend that the rates are too high or too low. Possibly there are some rates that are too high and possibly there are some that are too low. We all concede that under our present system of partial regulation of the railroads the transportation system of the country has broken down in the main, and that after the war is over and after these condi-

tions have passed there must be a reorganization of the whole system of Government control, and that it shall be put on a basis that is more responsive to the needs of the business of the shipping public and more inviting to the capital of the country to secure the money for an extension of present railroad systems, but to-day there is no war power involved in this question of making rates. There are no war necessities involved in the question of making rates. It is solely and simply a question as to whether we are going to allow an agent of the executive branch of the Government to interfere with the existing system of rates established by law.

Some people say if we are going to take over the railroads it will cost us more money for the Government to run them than for the railroads to run them. That may be true and it may not be true; but, assuming that it is true, they then say that if it is going to cost more money to run the roads the traffic of the country ought to pay it and the people of the country ought not to be compelled to pay it out of the Treasury of the United States. That is a legitimate argument and one that I am not prepared to dissent from, but if that situation is properly presented to the constituted authorities which are now established by law that argument is just as good before the Interstate Commerce Commission as it is before the Senate of the United States. If it becomes necessary for a general increase of rates in this country, I do not think there is a Senator here who would contend for a moment that the members of the Interstate Commerce Commission are not men of patriotism and business judgment who would respond to the needs of the country and if necessary to properly conduct the business of the railroads under the Government would increase the traffic rates of the country sufficiently to meet the transportation requirements under Government control.

But the thing that alarms me is this: The whole business fabric of the Nation is built upon the transportation system of America. The freight rates in this country are the basis on which every business condition in the United States to-day rests. Interfere with that existing condition of business based on traffic rates and you might just as wisely interfere with the blood flowing through the human system and expect the heart to continue to functionate as to expect the great business interests and the small business interests of the country to go ahead and prosper, if you are going to allow somebody unwisely and inconsiderately to interfere with the rates on which the transportation of that business is based throughout the United States.

Now, I do not for a moment think that any agent of the President would intentionally or deliberately change rates in this country which would disturb business conditions and bring about a panic or bring about serious losses. No; such a thing is unthinkable. But we do not know who is going to be appointed by the President to determine the rate question. We do not know, in the many responsibilities and cares that rest on the President, whether he will be able to select men of wisdom and understanding or whether he will select men of sentiment and impulse. But we do know that we have a system erected in this country to-day which is established by law, maintained by law, and which the very business life of the Nation is accustomed to and is conducting its business under, and why disturb it? Why take any chances about it?

The bill does give absolute power to the President to conduct these railroads, if he thinks proper, so far as their control and management is concerned. The only limitation that is put in the bill is the question of freight. That only concerns the private shipper, and even there concessions have been made. To-day the railroad may initiate a rate. The rate can not go into effect under protest until the Interstate Commerce Commission passes on it and agrees to it.

Under the terms of this bill the President is placed in the shoes of the railroad company. He is allowed, as they are allowed under the law to-day, to initiate rates. The Interstate Commerce Commission under the terms of the bill have a right to review the rates made by the President and set them aside if they do not think they are reasonable and just. The difference is, though, that the President can under the bill initiate a rate and that rate will stand until the Interstate Commerce Commission sets it aside. Under existing law the railroads can initiate a rate, but it can not go into effect until the Interstate Commerce Commission have given their permission.

Now, we have gone much further in granting the power to the President to initiate rates than really is necessary, but there is no reason on earth for taking away the right of the Interstate Commerce Commission to review a rate made by the President's agent. It is the only course for us to pursue to protect the rights of the ordinary shipper in this country. Take this right and this protection away, take away from the

bill the protecting right of the Interstate Commerce Commission to take care of the individual shipper, and some unwise, ill-considered order may wipe out the business of a whole community between daylight and dark.

Mr. LEWIS. Mr. President, may I ask the Senator from Alabama, who is a very industrious member of this committee—being a member myself I know what he has contributed to it—does the Senator understand that the bill does not give to the railroads an appeal to the Interstate Commerce Commission; does not give them a tribunal of complaint, if they have one?

Mr. UNDERWOOD. The railroads really are not involved in the question. It does not concern the railroads, after we have taken them over, as to what the rate is, as far as they are concerned, because we are proposing here to give them a fixed rental. If the earning of the railroad is less than the rental, the Government will have to pay it out of the Treasury. If it is more than the rental, it will go into the Treasury. So the railroad itself is not concerned in any way about this proposition of the Interstate Commerce Commission fixing the rate; I mean directly concerned. It may be concerned in the future.

Mr. LEWIS. Then I have possibly misunderstood the Senator. I thought the Senator's argument was addressed to the fact that he thought injustice would arise by a right granted by the President that might be an injustice to the property of railroads.

Mr. UNDERWOOD. Oh, no; the Senator did not understand me or did not hear me.

Mr. LEWIS. Then I misunderstood the Senator.

Mr. UNDERWOOD. I said injustice could be done to the people of America; that in times of great events and great powers and great armies and great navies and great railroads we are very apt to drift along and forget that the people of America exist. But they do; they are here; and what I am contending for is that they have some rights left in this Nation and some rights that should be protected and guarded, notwithstanding the necessities and exigencies of war legislation.

Mr. LEWIS. Might I ask the Senator this further question? As I now gather, I misunderstood the Senator; that is clear. The Senator means, if I now understand him correctly, that those who pay the rates, the people, either directly or indirectly, could, in his opinion, be harassed and possibly burdened by what he would esteem an excessive rate, for instance. Then I ask the Senator, assuming such a condition did transpire, does he not realize that under the bill there is opportunity for any complainant to be heard before the rate would go into effect, if he desired to suspend it on the ground that it was oppressive and would likely work injury to his locality? Does not the bill provide an opportunity for hearings?

Mr. UNDERWOOD. Certainly; that is what I am contending for. The Senator, unfortunately, did not hear the first part of my argument.

Mr. LEWIS. Possibly; but I listened. I may say to the Senator I receive so many forms of protest and contradictory viewpoints from my constituents on this phase that I paused to hear him on this, because it is one on which my own locality is very much confused.

Mr. UNDERWOOD. There is a provision now in the bill that allows an appeal from the order of the Executive to the Interstate Commerce Commission, and as long as the bill stands that way it is satisfactory to me; but as some gentlemen had contended that those provisions should be removed from the bill, I was addressing my argument to the contention that the bill should be allowed to remain at least as it is written, and that the public have a right to protection in that regard.

I am not contending that the public are going to be so badly hurt by reason of the raising of the rates and the great burden of cost put on them. That is not what my chief fear is; but I know, and the Senator knows, that a slight change in the railroad rates will eliminate the market from one community and give a market to another community. It was stated before the Interstate Commerce Committee in its consideration of this bill that the change of half a cent a bushel in the freight rates of the country would divert the wheat of the West from the markets of St. Paul and Minneapolis and send it to St. Louis. That probably will not happen. There is a community built up with great elevators and great business enterprises based on wheat following the present channels of trade. If an unwise order were made increasing freight rates on wheat to the extent of half a cent a bushel along certain lines of western railroads and the channel of that trade was diverted from St. Paul and Minneapolis to St. Louis, would it not destroy business communities, and destroy them possibly without an opportunity to be heard or an opportunity of present consideration, and it might drive thousands of men into bankruptcy before the error was found out and the condition readjusted?

So I contend, Mr. President, that there are two vital things in this legislation, if we are going to enact it, two provisions in the bill, which must remain within the terms of the bill, if we are going to protect the interests of the people of the United States and protect them properly. One is that there must be a reasonable limitation on the life of the bill after the war is over, that it must be distinctively and fairly made a war measure, so that the Congress of the United States, the representatives of the people of the United States, may have a fair and unbiased opportunity in the future to face this question without limitation, entanglement, or embarrassment; and the other thing for which I contend is that the bill should not be passed unless within the folds of the bill remains the provision to allow the Interstate Commerce Commission to continue to functionate and review any rate that is put upon the people of this country from any source.

Mr. BANKHEAD. Mr. President, before my colleague concludes I should like to ask his opinion about the provision of the bill which declares that it shall cease and be inoperative one and a half years after the conclusion of the war. I believe that is the language.

Mr. UNDERWOOD. Yes.

Mr. BANKHEAD. What I should like to know is the opinion of the committee, which have been so carefully considering this question, on that point? What must happen before the war does close? In other words, I apprehend that, first, there must be a cessation of hostilities, of actual fighting, and then perhaps long-drawn-out negotiations with regard to the terms of peace, and, finally, we will reach a conclusion that the war has finally ended. Are we reasonable to expect that the operation of the bill shall cease when hostilities cease, or will it come when a final conclusion for peace has been reached and a proclamation to that effect has been made?

Mr. UNDERWOOD. Under the terms of the bill as it is now written it is provided that it shall cease to exist, that the railroads must be turned back to their owners, 18 months after the final treaty of peace is signed by the President. So, as my colleague suggests, it may run very much more than 18 months after the ceasing of hostilities. But I am free to say on this subject I do not think I disclose any committee secret in making the plain statement of the issue in reference to this matter, because it has been published in the newspapers already. The committee was very seriously divided on this question. Some of the members of the committee wanted an indefinite period; that is, they wanted a provision in the bill which merely provided that the terms of the bill should continue until Congress legislated, which left it entirely indefinite. There were other members of the committee, like myself, who wanted the railroads turned back to the owners as soon after the termination of the war as it was possible to do so. We carefully polled the committee. We not only took a vote, but we carefully polled the sentiment of every member of the committee, and there was one majority in the committee in favor of a definite termination of the control. There was only one majority. We were having great difficulty in perfecting the legislation for that reason. Finally, as a matter of compromise, we agreed that the act should terminate at the end of 18 months. Fourteen of the 19 members of the committee agreed to that as a matter of compromise. I am free to say, as far as my own views were concerned, I thought 90 days was time enough, but I accepted the compromise and propose to stand by it as a matter of compromise on the floor of the Senate when it comes to a vote.

Mr. BANKHEAD. Then, I understand my colleague to say that the provision of the bill is that one and a half years after the signing of the final treaty of peace this act shall cease.

Mr. UNDERWOOD. That is it.

Mr. BANKHEAD. That is the point I wanted made clear. It may be three years after actual hostilities cease.

Mr. UNDERWOOD. I think the Senator is entirely correct about that. It certainly will be longer than 18 months after the last gun is fired.

Mr. BANKHEAD. That is the point I wanted to have made clear.

Mr. SHERMAN obtained the floor.

Mr. WATSON. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER (Mr. KENYON in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Kellogg	Myers
Bankhead	Gronna	Kendrick	New
Calder	Hale	Kenyon	Norris
Cummins	Henderson	King	Nugent
Curtis	Hitchcock	Kirby	Overman
Dillingham	Hollis	Knox	Page
Fletcher	Johnson, Cal.	Lewis	Pittman
France	Johnson, S. Dak.	McCumber	Reed
Gallinger	Jones, Wash.	McKellar	Saulsbury

Sheppard
Sherman
Shields
Smith, Ga.
Smith, S. C.

Smoot
Sterling
Sutherland
Swanson
Tillman

Trammell
Underwood
Vardaman
Wadsworth
Warren

Watson
Wolcott

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness in his family. I wish this announcement to stand for the day.

Mr. NEW. I have been requested to announce the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN] and also the junior Senator from Oregon [Mr. McNARY] because of the serious illness of the senior Senator from Oregon.

Mr. HOLLIS. I was requested to announce that the senior Senator from Colorado [Mr. THOMAS] is absent from the Chamber on official business.

Mr. MYERS. On account of the state of his health, my colleague [Mr. WALSH] is still detained from attendance upon the sessions of the Senate.

Mr. LEWIS. I announce the absence of the senior Senator from Kentucky [Mr. JAMES] and that of the Senator from Oregon [Mr. CHAMBERLAIN] because of personal illness.

I also desire to announce that the Senator from Kansas [Mr. THOMPSON] is detained from the Senate on important public business.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The Senator from Illinois will proceed.

Mr. SHERMAN. Mr. President, it is admitted that there is an emergency requiring some legislation of this kind. The act has already been performed taking over the carriers. This bill when passed will be supplemental to that of some time ago, giving additional powers to the Executive, not only in the management of the property but in the preservation of the securities that represent the property and maintaining the earning power of the property itself.

I do not care to discuss the question whether or not the President wisely exercised the power of taking over the property. It is done; it has been commented on here in a way that satisfies me that I can not add anything to what has already been said on that subject.

On the 31st day of January, 1862, an act passed Congress authorizing the President to take over by military occupation the railways of the country. In pursuance of that act the President did take a considerable mileage, not in all parts of the United States, but in such parts as were necessary to use the carriers for the transportation of troops and military supplies. That occupation continued until the 8th day of August, 1865. The President at that time by an Executive order restored the property so taken to the respective owners.

While the act of January 31, 1862, was in course of its passage, a debate in the Senate occurred, in which the following language was used by Senator John P. Hale, of New Hampshire. I refer to this because it expresses more concisely my frame of mind on debating further the wisdom or folly of taking these roads in the circumstances attending that taking. At that time the law of January 31, 1862, was pending in the bill to which the Senator refers. Senator Hale used the following language:

I am opposed to both the amendments, and I rise here merely to say that it appears to me gentlemen do not exactly appreciate the condition of the country if, when a measure of this sort is introduced, it is undertaken to be subjected to all the criticism which might justly be brought to bear on an act that was calculated to be permanent in its character and to form a rule of conduct for all time to come. We are in a great and trying emergency, and this is a war measure for the immediate necessities of the country.

This was said on the 28th day of January, 1862, shortly preceding the passage of the bill in the Senate. It accurately describes the condition of the country at this time. The country has expanded; there is much more territory, many more States, many more people, many more miles of railway, but it has not changed the essential, underlying principle. As the emergency then was, so is it now.

In the other House, after the bill reached that branch of Congress, I note that Mr. Vallandigham was very solicitous as to the waste of time, and said:

Why waste time, then, on tax bills? And yet a bill of this character, unheard of before in the legislation of the country, is to be brought up here by unanimous consent on a misunderstanding, and is to be put upon its passage without debate!

After alleging the unconstitutionality of the measure and, the extreme character of the interference with private property, he continued:

I will not call for a count upon the other side, but content myself with protesting against this bill.

This description of conditions in 1862 applying at the present time, it seems to me that I am justified in supporting the measures contained in this bill, whether I am entirely in ac-

cord with all of them or not. With some of them, I say quite candidly, I am not. I do not like vesting a portion of the rate-making power in the Executive, thereby impairing or invading by that much the power of the Interstate Commerce Commission. That commission's power has been builded by legislation supplemental to that of 1887 until there has finally been developed a settled schedule of rates; until there is an established series of decisions; until now the procedure before that body is of a character that can be understood and more readily applied. Uncertainty has given place to certainty in the application of the principles of rate making. So I have myself come to the conclusion that it is unwise to disturb this power.

But, regardless of what my views may be, this is a temporary measure. It is not calculated to take the place of the Interstate Commerce Commission upon the conclusion of a treaty of peace. Then normal conditions will resume and we can again discuss measures of this kind, and such additional legislation can be had as will conform to the changed condition of the country upon the resumption of those normal conditions.

The lapse of time after the treaty of peace shall have been concluded of 18 months before the property shall be restored to its owners is another measure that I do not entirely bring myself to support; but, regardless of these and other sections of the bill, that if I were writing the bill for my private satisfaction I should write otherwise, even if these sections are all of them retained in the bill, I shall, notwithstanding that, support it. I do so upon the ground that in this emergency we must, to a very large degree, sink our private differences of opinion to the end that the common purpose may be served, not a month from now or a year from now, but as expeditiously as legislation of this character can be pressed to a passage in this body and in the other House. It is by the promptness of action that we obtain the fullest measure of the value of it.

This will not be a permanent bill. It may in due time be amended. It will end by its own terms in 18 months after the war if not sooner. That is not an arbitrary 18 months to remain under all conditions, but there is an Executive discretion created that will enable the President, if he sees proper, before that time to turn back some or all of the roads to the private owners. I assume that he will use that power discreetly; that it will not be abused; that whatever proper use of that is made will be open to consideration, not only of the needs of the public but a fair consideration also of the private interests involved. So, upon the whole, this bill, I believe, is one that will turn out as much in the way of transportation of troops and supplies and relieving present conditions as is possible by any legislation that can be devised by Congress.

As speedily as possible, Mr. President, I wish to consider the relation that the railroad securities bear to other interests of the country, both public and private. A very large proportion of these securities is in the hands of innocent investors. I know often that an innocent investor is sometimes a sort of a convenient blind to transfer securities and invoke the principle in order to shield the first holder or the author of the securities from the consequences of his improper act. That, however, is not a material element in considering this bill. So far as the public holders are involved, these securities long ago in good faith passed from the original issuing authority and have been purchased, not by those who were responsible for their issue in the first instance, but are legitimate investments into the hands of many individuals and business associations in this country.

I believe I have accurate figures as to railway securities compiled as of June 30, 1915. The holders at that time in the United States, Mr. President, were 626,122. I have no accurate figures since that time, but if I were to take the railway shareholdings of to-day—I am speaking now entirely of shares of stock, and not of other forms of securities—the shareholders probably would approximate nearer 800,000 than the figure I have just given.

Since August, 1914, there has been a steady flow of railway and industrial securities from all parts of Europe to the American market. When the war began it was necessary then, or soon afterwards, to raise large sums by borrowing. Foreign Governments in many instances procured railway stocks and placed them up as collateral for loans that were made in this country, and many individual owners sought in the American market to sell their securities. A vast liquidation immediately set in, so that to-day a larger proportion of the railway securities of the United States is held here than at any other time in the history of the country.

There were, on the 30th day of June, 1915, 842 operating roads, owned by 539,118 shareholders. There were 443 non-operating roads, owned by 87,004 shareholders. These embraced

the leased lines which had parted with the managerial power in the property, and have no further rights except the reservation of rent and the reversionary interest at the expiration of the respective terms. The total number of stockholders of classes 1 and 2 and their nonoperating subsidiary companies, taking the classification according to the Interstate Commerce Commission's accounting system, was 608,318, and the total amount of outstanding stock of these roads was \$8,524,452,975. The average stockholder had, according to these figures, \$14.013 worth of stock. Deducting the 688 railways by or for whom stock of other railways was held and the \$2,519,956,813 of shares so held, there remains a total of \$6,004,496,162 of capital stock in the hands of 607,630 shareholders. Those shareholders have rights even in war times. Those shareholders are considered in this bill, and properly so.

The underlying principle in the bill, so far as it relates to the protection of private right, is that the property rights of the companies and the shareholders shall be preserved. In addition to that many of the shareholders have pledged their shares for loans. Savings banks, referred to by the Senator from Minnesota [Mr. KELLOGG], have invested in railway securities. The life insurance companies of the country own railway securities in large totals. I speak now of both stocks and bonds.

I have in mind one life insurance company which I have taken as an instance of the many life insurance companies whose reports I have examined—the New York Life Insurance Co., of the city of New York. In their report of December 31, 1917, that company showed ledger assets at that time of \$875,091,343. This is not an aggregation of money and property that is a public menace, large as it is. The greatest individual business enterprises in the United States and in the world in the form of corporate entities are the large life insurance companies. In this country alone more than 33,000,000 policyholders are found and more than 46,000,000 policies are written. Take the New York Life Insurance Co. as an instance, and every other large company writing insurance all over the Western Hemisphere and around the world have the same conditions attending them as to their investments. On the 30th of June, 1917, out of \$6,000,000,000 of life insurance assets in the United States more than 25 per cent was invested in railway securities, representing 33,000,000 policyholders and more than 46,000,000 life policies written.

It is well understood that in connection with the insurance companies to which I refer wise laws provide for legal reserves which seek investment. For every thousand dollars of insurance written there must be a reserve, which is the guaranty that stands back of the policy.

The company to which I specifically refer is not a public peril. It, like others, is a highly beneficial institution; it is a mutual company, and in reporting its capital stock under oath, its capital stock is represented by a zero mark; there is no private ownership in the sense that sometimes we refer to such large aggregations as being a public menace. Of the more than \$875,000,000 of ledger assets admitted by the insurance superintendent of the State of New York more than 25 per cent on the average named would be invested—nearly \$220,000,000 of this single company—in the stocks and bonds of the railways of the United States. These investments are a part of the legal reserve that guarantees, upon the maturity of the policy or the death of the holder, its payment. It is as much a resource to be conserved by wise laws as the funds or investments that come under the national banking act and the Federal reserve system. Every depositor in a national bank has as his security the subscribers to the stock of the bank, its loans and other investments wisely made, which stand equitably pledged as security to the depositors, in the first instance, to guarantee them against loss.

These legal reserves, provided out of the premiums paid by the policyholders, must be invested in some such way as to produce an income. The actuaries compute this security upon some stated per cent—3½ per cent or 4 per cent—of the net income from the investment. So, when these investments are made in railway bonds, they stand as a security, as much so as a mortgage on a farm or a business block in Chicago or in New York. The President, therefore, and his advisers in considering legislation of this character properly kept in mind the safety of these securities in such a way that the legal reserves guaranteeing the payment of the policies might not be impaired.

Furthermore liberty bonds have been sold and another issue will soon be forthcoming. The railway securities of this country are inextricably interwoven with business enterprise. Say nothing of the transportation question at all—that is the primary purpose of the bill, it is true, but leave that out for the present—if the vast issues of railway stocks and bonds, aggregating on the 30th of last June, it is estimated, more than \$18,000,000,000, are impaired to any appreciable degree, the

credit of the country by the reflex action of the impairment will necessarily itself be impaired. It will diminish the ability to sell the next issue of bonds; it will interfere with the subscriptions that will be made to raise further funds for the successful prosecution of the war.

It is not merely then a question, Mr. President, of the railways and of their managers, of those who own individually the largest holdings of stock, but it is a question affecting the whole fabric of credit of the country. Credit is a delicate thing; it is easily destroyed, and it is difficult of restoration. The impairment of this vast quantity of securities by a small per cent, not a mere quotation in the market of the shares of those who buy and sell, but an impairment of the securities by unwise legislation, pending or threatened, becomes at once an impairment of the credit resources of the entire country. So this bill proceeds to reassure the general public and the holders of shares that there shall be no liquidation.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. I have been interested in the Senator's statement as to the fact that the life insurance companies hold large blocks of railroad securities. The Senator will also remember that the New England States and the State of New York have \$6,000,000,000 of the savings of the people in savings banks, and they also, to some extent at least, take these same securities; and the savings banks at the present time are very much disturbed lest the issue of a new loan at a higher rate than 4 per cent may do them very great damage. They ought to be remembered in connection with this bill.

Mr. SHERMAN. Yes, sir; undoubtedly. I have referred in the briefest possible way to the investments of the savings banks, but in my investigation I have not had the figures given by the Senator from New Hampshire; and I am very glad to have them added to those I have already given, because they are just as material as the preservation of the reserve back of a life-insurance policy. These savings represent the artisan, the farmer, the small tradesman, everybody, and a comparatively small amount to each, but in the aggregate very large.

Mr. GALLINGER. Mr. President, I will suggest to the Senator that in the New England States and in the State of New York the \$6,000,000,000 that are held in the savings banks represent less than \$500 for each depositor.

* Mr. SHERMAN. Yes, sir. That follows out the usual result in the savings accounts, because they are people of small means. Railway bonds being a part of the investment, the owner of these small savings, the individual who has been prudent and thrifty and laid aside something, undoubtedly is entitled to some consideration in such legislation as this; and the President and his advisers in framing the bill have endeavored to protect them against any depreciation on the market or any ultimate loss when the matter shall have been definitely settled.

In connection with these figures, I wish to refer very briefly to the markets of bonds. I have taken the market on the 26th day of December, 1917, and the 27th of December, 1917, and the high and low markets in 1916 and 1917. Now, while I have never been a habitué of the stock market, at different times some of my friends and clients have. They take the chances on it; but I have investigated the stock market, as well as the grain market, enough to know that there are more things that enter into the fluctuation of the market than any other of the complex products of civilization. I know of nothing that can be affected by such a multitude of conditions. A frost in South Africa, the bankruptcy or receivership proceedings of a railroad, any one of a dozen things that may be reported in the morning papers, may affect the quotations.

There are here 25 railroads, with their average earnings on common stock for the three fiscal years ending June 30, 1917, and the two years preceding.

For instance, on the 26th of December, 1917, on the fluctuations of the market, Santa Fe stock was 78. The 27th of December, 1917, the day of the President's proclamation taking possession of the roads, it rose to 84½. Baltimore & Ohio went from 40 on the 26th of December to 51½, and so on through. Those roads are not speculative roads. They are not roads that are manipulated on the stock market. The Chicago, Milwaukee & St. Paul is another railroad of that kind; the Chicago & Northwestern, the Illinois Central. Let me take that, because it is included in the sweeping indictment, all these roads together in one universal condemnation, in part of the public press and in some criticisms made of them.

The Chicago & Northwestern never has been a speculative road. It was built out of Chicago into the West and North-

western country, beginning many years ago. The Chicago, Burlington & Quincy is not a speculative road. It began in the same way many years ago. The original act was passed in 1849. Several roads were independent—the old Chicago & Galena Union, one reaching from Chicago to Aurora, from Aurora to Galesburg, from Galesburg to Quincy, each of them separate companies. They passed through the processes of evolution, uniting, until finally many years ago the Chicago, Burlington & Quincy Railroad was formed. It developed as the West settled. It passed the boundaries of the Mississippi River. It extended into Missouri and Iowa; and when I speak of Missouri I remember that the State of Missouri in its history has been literally gridironed with Government roads. The whole State of Missouri has had an experience with Government roads that has satisfied everybody who has read it—satisfied everybody except the enthusiastic zealots who never will be satisfied nor convinced with any experience this side of the grave.

Of all the roads in Missouri built during the craze for internal improvements through which many States passed in the Mississippi Valley every one was a failure. They were run by political pressure. They were built in the shape of a horseshoe, just like the road in North Carolina that is known yet in history as the Horseshoe Road because of its shape. It was a political road. It was a Government-owned road, and it had to pass through the homes of the governor, the secretary of state, and the auditor of public accounts, as I remember the State officer; and in doing so it described a crescent that rivalled that of the Pennsylvania at Altoona. That was a horseshoe curve years before the tourist looked out of a window on the Pennsylvania road to see that marvel of railway engineering. Of all the roads in Missouri that finally became a part of the property of the Chicago, Burlington & Quincy but one has a successful record. It is the old Hannibal & St. Joe. It paid out. It had some assets to turn over to the purchasers. The others were wrecks. The history of the North Carolina roads shows the same thing. The history of the roads in Illinois shows the same thing. The original railway of Illinois was built by the State, and it passed through the same melancholy experiences that others did.

Mr. President, I have read the history of the Government roads run by these three States. Within the last 30 days I have refreshed my memory. I have pursued the investigation in many other States, with many other undertakings in our own country, where they have undertaken to run them through as State or Government operated roads.

But to come back to these roads. I do not want to digress too much.

In the case of the Chicago, Burlington & Quincy, operating at the present time with proprietary or leased lines about 9,300 miles of road, the shares of stock have disappeared. No stock quotation has contained them for some years. They are all impounded and put up as collateral security underwriting the joint fours of the Chicago, Burlington & Quincy. They are guaranteed by the Northern Pacific and the Great Northern. Ninety-eight per cent of all the shares of stock of the Chicago, Burlington & Quincy road, of one hundred and ten million and some thousands of dollars, are deposited with a trustee as collateral security for the bonds issued jointly by the two roads in purchase of the control of the Burlington road. That was not a speculation. That was a far-seeing development of the greatest single railway system in the world. Mr. Hill had the prophetic insight to see what the acquisition of the Burlington road meant as an eastern—or, to him, a Middle West—connection. Therefore the stock was obtained. The transaction has not been successfully attacked up to this time. The public would receive no benefits if the stock were to resume its quotation on the market and the transaction to be entirely set aside. The traffic arrangements between the Burlington and the two Hill roads reaching the Pacific coast are for the general benefit of the public. Resolving them into three separate and competing lines would do nothing that would help win the war or benefit the private shipper or the traveler. It is enough for us to know that beyond any question there exists in Congress the power to regulate, and we have regulated and are constantly regulating at every session of Congress either the roads or something that affects them, directly or indirectly.

I refer to these shares of stock again. That is what I wish to adhere to as closely as I can on this branch of the subject, and I do not want to take much time here.

The stock of the Illinois Central stood at 86½ upon the 26th of December, 1917, and rose to 91 on the 27th of December. Those speculative values are attacked. It is said they ought not to be allowed. How will you help it? How will you control the market, except to beat it down by unfriendly legislation,

and encourage it and raise the quotations by friendly legislation? I see no way to prevent it, nor is it at all desirable to try to prevent it.

"Oh," it is said, "the Government can prevent it if we assume the entire ownership and operation." Well, let us see about that. We have out a large issue of Liberty bonds. Mr. President, what do they sell for? I looked at the quotations this morning. The 4 per cents, with only partial tax exemption, are quoted at low as 96.10. The 3½ per cents, with total tax exemption for all purposes, are quoted at 98.40. That is \$984 for a \$1,000 bond. Can the Government protect its own credit? Its own securities are selling below par on the market with the guaranty of the Government behind them. If it can not protect its own bonds from market fluctuations, how will it prevent Government railway shares from doing so? If I have a thousand-dollar bond, I can go out and sell it in Washington at 50 cents on the dollar, and the Government can not keep me from it. If the Government can not sustain its own credit at par on war bonds, it can not sustain the railroad bond credit after it has taken the railways and are administering their affairs? It can do no more in the one instance than in the other. After it has become responsible for \$18,000,000,000 worth of railroad property, more or less, with the additional bond issue required to finance this war to a successful conclusion, the Government will have reached the limit of safe credit. Governments are no different from any other borrowers. When they become debtors in large sums, their securities are inevitably often thrown upon the market for liquidation. As the securities go upon the market in large quantities, they are bound to depreciate from par.

Let me give you another illustration of what I mean.

Mr. WADSWORTH. Mr. President—

Mr. SHERMAN. I yield to the Senator from New York.

Mr. WADSWORTH. Has the Senator forgotten the proposal, which probably will be adopted in one form or another, for the Government to issue four billion more of notes based upon industrial promises to pay, and its effort to maintain the value of those notes?

Mr. SHERMAN. That is certainly very material. Those, in a very short time to come, may be on the market, and the public will be asked to take them. We must sustain, when taken, that credit. If such industrial credits are issued the Government can not keep them from fluctuating on the market. If this bill did not preserve the value of railway securities by adequate legislation, how could we expect to have \$4,000,000,000 of future industrial securities subscribed within the next 30 or 60 days? The Senator from New York very properly makes the inquiry. The President and his advisers no doubt very prudently had in their minds the future borrowing necessities of the country when they gave to the bill some of these sections that we are now considering.

I see no crime to be imputed to men on the market who buy and sell under Executive orders, favorable or unfavorable, as the case may be; nor do I see any objection to voting for such a bill in the expectation that the day it passes Congress the stock market will advance, and that every quotable security on 'change affected by this bill will advance possibly as much as or more than the figures I have read. I expect that; nor will that cause me an instant to falter in the support of this and similar measures to protect the credit of the country.

In order to make more impressive the inferences that I am endeavoring to establish from such facts as have been stated, I have to state some additional facts.

The individuals owning outright railway shares in round figures are 1,000,000, and they own more than \$10,000,000,000 of railway securities. These are the individual holdings. These figures have been compiled from trustworthy sources.

There are held by trust companies, State and national banks, \$865,000,000 of railway securities. There are held in the aggregate by saving banks, with 10,000,000 depositors in the United States, including those to which the Senator from New Hampshire alluded, in New England, \$847,000,000 in railway securities, representing the institutions that invest their savings, great or small. There are held by life insurance companies, with 46,000,000 policies in force, held by 33,000,000 people in the United States, representing a total ownership of this alone of over one-fourth of the total resources, \$1,550,000,000. There is held by fire and marine insurance companies, casualty and surety companies, a total railway security investment of \$649,000,000. Benevolent associations, colleges, schools, charitable institutions, eleemosynary enterprises of various kinds, have invested their endowments, their gifts, both by the living and by the dead, in \$350,000,000 of railway securities.

I care not that some people may have large holdings of shares of stock. I regret that some of them may sometimes use their stock improperly. I regret that combinations of large stock-

holders are sometimes made for the purpose of wresting control of a road for speculative purposes from conservative owners. That is a matter to reach by legislation—not to destroy the innocent and the guilty alike, but to reach the guilty and exempt the innocent from any such legislation of a general character. What I especially think is defective in reasoning processes is to measure all the railroads of the country by a few that have abused the laws of business and have taken advantage of omissions in legislation.

I remember the Chicago & Alton road—and it is often made a horrible example. It was built by the stockholders, without a mortgage, from Chicago to St. Louis. That was the original line, built in the days when Timothy B. Blackstone was the man who promoted it and was the moving spirit with his associates in its construction, equipment, and operation for many years. The Alton paid steadily, in the days of its old-time managers, 7 per cent. Its stock was quoted as high and was worth as much for investment purposes as the shares of any national bank in my country. It was quoted at 175.

The change came. Mr. Blackstone died, some of the shareholders sold out, and along came a new management. The same thing happened with it, in substance, that happened with the Chicago, Rock Island & Pacific. A very great increase in shares occurred upon the advent of the new management. It was not a question of how much the property was worth, but how much of the stock or securities could be issued and absorbed by the investing public.

Keep in mind, Mr. President, the fact that when all of the stock gambling was over, the property investment of the Chicago & Alton and of the Rock Island & Pacific was just the same as it was before it started, unless we except some possible depreciation on lines that were not kept in repair. The property investment is the source of earnings, not capital stock, not bonded indebtedness. The source of earnings is always and must remain the property. How much it earns depends upon many things, but, providing the road reaches from its initial point to the terminal point favorably and traverses a productive area, the two salient features of every successful railway are its property investment and its managerial ability. The earnings of the Alton and the Rock Island on the property investment remained the same or advanced or receded according to the prosperity, or the reverse of it, of the several years. The Alton, however, put out a great number of securities under the new management. Their stock fell to a low figure consequent upon that dilution. The same thing, in substance, happened with the Rock Island.

It is argued here that these incomes or earnings of certain conservative roads are unduly large. As I remember—just quoting now from my recollection—in 1916 the Chicago, Burlington & Quincy showed an earning on its capital stock of nearly 27 per cent. It is selected as one of the shocking examples on the floor of the Senate Chamber. The Burlington road has been a conservatively managed road from its inception. It has never watered its stock. On the contrary, its stock is boiled down; it is concentrated rather than diluted. It has not followed the policy of issuing new shares as the country has grown up commensurate with its advanced lines that were pushed out into the frontier. As values have increased they left the capitalization at the same figure as many years ago. The Burlington has, in round figures, \$110,000,000 capital, with \$179,000,000 of bonded indebtedness. That \$179,000,000 is actually in the hands of the investing public. They have a total property valuation—to say nothing, now, of the capital stock—of more than \$530,000,000 in the single road under one management.

With \$530,000,000 of a property investment, the earnings of the road are necessarily nearly 27 per cent of the capital stock of \$110,000,000. If the Burlington road had followed the processes of the speculative roads, or if the Northern Pacific and the Great Northern had followed the processes of other speculative enterprises, they would have increased their capital stock many fold. Instead of their stock being quoted on the market at par or more than par in normal times it would have fallen like the Alton and the Rock Island, to one-half, to 35 or 40 cents. They did not do so. The very fact that the former-named roads were conservatively managed makes the earnings on their capital appear unduly large. If they had watered their stock, if instead of \$110,000,000 the Burlington had had \$500,000,000 of stock, then their earnings for the year 1916 would be nearer 5½ per cent than 27 per cent. They have not done so, nor do I think, Mr. President, that ought to be used as an argument here that the conservative railways shall suffer for the comparatively small number of roads that have done otherwise.

I now speak of the Illinois Central. The Illinois Central is a land-grant road. It is like the Pacific roads—the Union, the Central, and the Southern. Each alternate township for the

whole length of Illinois was given to the Illinois Central Railroad to build by an act of Congress. At the time the land was given there was little population in that State. When the Union Pacific road was built the great West from Council Bluffs to the foothills of the Rockies and beyond was a wilderness.

Some Senators forget—older ones do not—the conditions at that time. I was impressed with what the Senator from Minnesota [Mr. KELLOGG] said of the 53 years since he went to that State. He saw as much or more of this development than I have seen. I have seen prosperous communities of several thousand persons assemble in opera houses or halls and bid to railway men for a line of railway to come through. They were tired of hauling their merchandise in and their produce out by wagon road and animal power.

It is true that there have been abuses in land grants. At the time the lands were given, in most instances, however, the Government thought it was driving a good bargain, and it was. That country was a wilderness when James J. Hill went into Minnesota, and with a prophetic vision, which made him one of the greatest railway men in the world, saw in the long years to come what the settlement of the vast Northwest would be. He staked his fortune upon it and the efforts of all his years. He was a railroad builder, not a stock speculator. All those conservative roads that have kept their property valuation well within or below their capital stock were managed and instituted by men of the Hill type. They were the great railroad builders of the continent. They had confidence in their country; they had sound business judgment. They assembled about them the technical ability to construct, equip, and operate railways.

Why should they, Mr. President, be stigmatized here in such terms as I have heard? Peace to their ashes! They were of a mighty race of men. They belong, Mr. President, to a generation the like of which does not live here to-day. They were conservative; they knew their business. None of those men in their lifetime were ever justly accused of being public enemies. The world was better for their having lived. The Illinois Central likewise was a land-grant road. It was built from Chicago to Cairo originally and later on, by extension and normal growth, it reached New Orleans. It has numbered among its executive heads some of the most distinguished railway men of the country. Commissioner McChord, of the Interstate Commerce Commission, in his last report gives the Illinois Central a clean bill of health. He says it was operating its road under normal conditions and meeting fully the demands upon it as a common carrier. Within the last five and one-half or six years the Illinois Central has spent more than \$80,000,000 in track facilities and equipment. It now has under contract or is coming in on contracts at stated intervals as they can be completed more than \$15,000,000 worth of cars and equipment of that kind.

When it is said that the railroads failed, that they broke down under the test of war conditions, the reply is that in many instances they did not fail, as in the one I have given. In others of the West and Northwest and of the far West the roads did not break down. Their cars were taken away from them; their engines were withdrawn from the roads; their equipment was taken; it was collected largely in the eastern district. There was a vast concentration of cars, engines, and equipment of that kind all along the Atlantic coast.

In an investigation of a certain committee on shipbuilding conditions it was shown that more than 1,300 loaded cars were on the sidings at one time at one shipyard in the United States along the Atlantic coast. At the same time more than 3,000 loaded cars were on the tracks on their destination for this same shipyard, arriving daily, so that any unloading of the 1,300 that were congested at that point made but little impression on the constantly arriving cars for the same point. The railways going out of Chicago, St. Paul, St. Louis, and Kansas City did not break down. Their equipment was taken away from them under the stress of war conditions, and they were rendered incapable of using their own equipment and rolling stock for the operation of their road. Even under normal conditions a railroad man knows that these must be constantly watched.

The West and the Northwest send more crude merchandise into the market than the East—breadstuffs, meats, agricultural products, lumber, coal, minerals, ore in its cruder form, unmanufactured, in billets or pigs. In that form it requires more car space. Therefore the cruder merchandise coming from the West, headed for the East and for manufacturing points centering in and around Chicago and east of there, necessarily draws from the West a large part of the freight power of the roads.

When it comes east it takes a given time for the empties to return to the West. Under war conditions, with no attention paid to demurrage, with the long delays of railways on sidings

and at division points, when the loaded cars came to the eastern district, especially to Atlantic coast points, they stayed for an indefinite time.

Still, all this is charged up to the roads as their failure. I have not a share of railroad stock nor a railway bond or security of any kind in the world. My constituents have insurance policies, deposits in savings banks, money loaned on various forms of railway securities as collateral in State and national banks. It is part of the general business of the country. For the railways I say but little. It is unnecessary. I can talk of them merely as the agency by which the securities must finally be maintained at their proper value or depressed. Whether they do so depends upon the treatment they receive in this and similar legislation.

I do not wish to take much time, Mr. President, about the conditions of a legal character that surrounded the railways. I can not pass, however, without alluding to it. I remember when the Interstate Commerce Commission act was passed in 1887 and the struggles that occurred in the various amendments made to it, especially the Hepburn Act of later days—1906, as I remember now—and all the legislation that has been thrown around railways, both State and national. I sum it up by saying that the railways have been operating in a strait-jacket for many years. It began years ago. I remember the granger agitation that began in Illinois and Iowa, first in State constitutions and later in the Munn cases, in the Bowman cases, all those that first established the right of the State or the National Government to regulate railways, took them out of the catalogue of strictly private enterprises, impressed them with a public interest, and made them subject to governmental regulation. Kansas passed through a similar era. That was a distinct forward step. It was a remedial process. It was needed. Some railroads had abused their power. I never apologize for them and for such conduct.

Then the Interstate Commerce Commission was created in 1887 with various amendments that I will not enumerate. The antitrust law came in 1890. Following several years after the passage of the antitrust law there was the Western Passenger Association decision. That was a combination of roads in certain western territory for the purpose of maintaining rates. It was the famous so-called "gentleman's agreement." It was held to be within the antitrust law, although there was considerable surprise in legal circles among many lawyers to learn that the antitrust law could be extended and applied to railroads. But nevertheless the court so held, and accordingly the railroads have been under the operation of that act since not only in our own country but they have been prevented from giving preferential rates in the development of foreign trade. I remember a railroad going out of Chicago whose managers were fined heavily for a preferential rate on tin-plate shipments into Canada. The preferential rate was made for the purpose of assisting in the export trade, without which it could not have been developed. Our manufacturers wanted to get some of the Canadian business, and in order to do it they asked the preferential rate to meet Canadian conditions, and it was decided that it was contrary to law and fines were imposed of \$10,000 as the result.

Rate making has been a constant debate. The roads have been before the Interstate Commerce Commission until very recently year after year, time after time, every time rate making is agitated. In all this the railways finally have settled down to a certain schedule fixed by the Interstate Commerce Commission. No material changes have been made save an increase in one territory for some time, but in all this increase in prices of everything, labor and material of every kind, there has been no commensurate increase of rates to enable the carriers on their earning power of the property invested to advance to keep pace with the increase of operating cost and maintenance and depreciation.

To my mind it is not a matter of surprise at all that the roads made a bad showing. It is true these figures are quoted here, the 27 per cent, for instance, earned on the capital stock, but if the 27 per cent be figured upon the property valuation it is not an undue return for a business that contains as many hazards as operating a railroad, and especially when it concerns such vast sums of money as are invested.

The congestion in the eastern district came as a natural result of piling up merchandise as indicated. Any failure of the railways was more a failure of the Government to recognize conditions and grant the relief before taking them over than it was a failure on the part of the roads. It is true that the roads could not meet the demands made on them, and especially last winter, that has been a very inclement one, blocking ways, making it impossible to obtain coal and fuel supplies generally, difficult sometimes even to transport tank cars with fuel oil. All those things have happened, it is true; but has the Govern-

ment done any better? If improvement come it will be the result of the release from obsolete laws and the strait-jacket of overregulation.

We passed the food law here. I did not vote for it, and I am glad of it. I would not vote for it if it was up again. I have no apologies to make for my conduct in that particular, except to repeat it the first chance I have. But the Government is given plenary power under this measure. We have a Food Administrator and a Fuel Administrator. They have had power at any time since last April to commandeer the roads—the carrier system, coal roads, and ordinary roads, all together.

A few days ago the heatless Mondays were revoked, and we are now living on Monday just as we do on other days. Here is what Black Diamond says. It is the coal paper of the country, published at Chicago. It is not owned by coal operators, either, Mr. President. Black Diamond is a periodical devoted to the coal business, and it represents a coal miner as much as it does a coal operator:

Three million four hundred and fifty-six thousand tons of coal were saved in the United States during the eight "fuelless days" under the recent order of Fuel Administrator Garfield, but at a cost to industry of \$289.35 for every ton saved.

This is an old illustration of saving at the spigot and losing at the bung hole. The highest-priced coal in the world was produced under the fuel order that was revoked a few days ago. Two hundred and eighty-nine dollars and thirty-five cents a ton of a loss is something that even a wealthy country like this can not stand all the time. We may stand a little of it, but we have now had a plenty.

The total loss during this period in wages and manufactured products was placed at more than \$1,000,000,000.

Figures of the industrial agent of the Baltimore & Ohio Railway give the value of the fuel saved under the order in 18 of the larger cities of the country at \$137,377,589. The loss in wages and manufactured products in these cities was put at \$4,344,070,000.

Here is a town of 70,000 in the center of the coal belt—Springfield, Ill. Here is a telegram from the fuel administrator that certainly deserves preservation in the CONGRESSIONAL RECORD:

SPRINGFIELD, ILL., January 23, 1918.

Senator L. Y. SHERMAN,
Washington, D. C.:

Our record for five days' obedience to fuel order shows saving of 40 tons of coal per day. Loss in wages alone per day over \$11,000—

That is expensive coal, even where we wagon it up and put it in our coal bins at home. I have not gotten coal out of a car for 12 years. The motor truck or wagon goes out to the mine and brings it to my house and dumps it into my basement. Thus the carrier system does not bother us any. But they stop them all. The factories there are served by motor cars. There is not a railway car in some of our factories that operate three shifts of hands that ever take a coal car to fill their coal yards or stock up in summer time. They were guilty of hoarding, every one of them, because along last summer, when the coal business was slack, they stocked up enough coal to run them until next April. They were shut up; they had to stop, just like the rest of them—

Utilities company electrical distributing station supplying power to most of our factories shows a saving of only 12 tons of coal per day on account of generating live steam in place of consuming exhaust for use in heating system. Six coal mines within city limits prohibited from supplying fuel, and car supply not sufficient for the output. We are actually prohibited from serving our city, State, and Nation under the order. We plead for exemption for Springfield and Sangamon County that we may perform a greater service.

Our citizens obeying Fuel Administrator's regulations; are convinced they are not applicable here—

Nobody thought they were at any place—

and work great hardship. Coal saving negligible. Regulations retard production.

CENTRAL ILLINOIS COAL BUREAU,
O. G. SCOTT, Secretary.

If the Government does that on coal, what will it do if in time of peace you leave it in possession of the railroads? If the railroads broke down this last winter in their carrier service, what did the Government do when it undertook to distribute coal?

The Senator from Indiana [Mr. WATSON] referred the other day, I thought very properly, to the price at the mines that was fixed by Secretary Lane and his associates. Immediately following the publication of that price the Secretary of War, the Secretary of the Navy, and afterwards the Fuel Administrator denounced the price as excessive. The Fuel Administrator intimated to consumers of coal to wait; do not fill up during the fall before cold weather sets in, because it would be much cheaper; he thought the price of coal ought to be down to about \$2 or \$2.65 a ton. So everybody quit, nobody filled in. They were waiting for the cheap coal.

The Government has broken down as much as the railroads have broken down. It was a great undertaking on the part of

both. Some degree of liberality can be exercised in judging of each of them, both the Government and the roads.

I do not care to discuss the standard return, because members of the committee who have followed that through the hearings before the committee have done so to my entire satisfaction at least. The chairman of the committee has given in the CONGRESSIONAL RECORD a very compact and lucid statement of the reasons underlying this bill and the recommendations of the committee in its report. In the main I subscribe to those reasons as well as those of other members of the committee who have presented their views, because of their superior means of information. The standard return is satisfactory to me. I am willing to vote for it and take the chances. It has been changed, but not materially so in the bill as recently introduced and the bill as it came out of the committee. It has followed in each instance the method of accounting adopted by the Interstate Commerce Commission. So these methods, I think, will preserve the value of the property unimpaired, as far as we could do so under a war condition. The provisions of the bill and the observance of the standard return provided will preserve the securities so that no great hearings will occur and no losses in these money investments will happen.

It is with some regret that I turn aside from the admitted purposes of the bill to discuss section 13. I wish for my part that the 18 months were a shorter period. But I am content to take it as it is. The 18 months may be shortened, if proper conditions present themselves, by the President using his discretion. If section 13 as written in the original bill is restored to the bill, I shall vote against the bill with as much enthusiasm as I did against the food bill. Section 13 as originally written contemplates an affirmative act of Congress before the roads will be restored to their owners. It thereby throws, dependent somewhat on the length of the war, the whole railway system of the country and all these investments of which I have spoken into the maelstrom of a political campaign. I am not willing to do that. I wish some time fixed, even if it be 18 months, when automatically the property will be returned to its owners.

I am told, and I have heard it many times before it was mentioned in this Chamber, that the Government ought to keep them. I am very much of the opinion of the junior Senator from Michigan [Mr. TOWNSEND], who in a very capable address in constructive criticism of this bill pointed out some things that undoubtedly ought to be very well considered here when we come to an amendment, that the discussion of public ownership and operation of railways was not properly involved in this bill. He is entirely within bounds in saying so. Still it is very difficult to discuss this bill by those who favor Government ownership and operation without covering that ground. Accordingly something has been said already, and possibly some more will be said before the final roll call is had on the bill.

It is said that this is a progressive measure; that by section 13, or by taking it and keeping the railways in perpetuity, it is in keeping with the progressive trend of the times.

Mr. President, the most unprogressive, reactionary, backward step in government is the reaching the Government hand out and taking what is essentially private industry. I can not think of anything that is equally unprogressive in all the range of human undertaking. It is said it is new, and we are bidden to look at the countries that are trying Government ownership and how progressive they are. Where are they? Switzerland, Belgium, Australasia, Germany, Austria, Italy, and France. Actually in Switzerland there is the poorest service, with the highest price paid for it, of any other country in the world. In Switzerland and France, where it is supposed the example of public ownership and operation is the likeliest in the world, there is the lowest morale of public service in Europe.

I will say nothing of Germany, except that the service there is not on a par—it is a densely populated country, and it is difficult to make comparisons—it is not on a par with privately operated steam railroads of other parts of Europe or of the world. Germany is given as an example of the fitness of Government ownership to answer the purposes desired.

Germany is a monarchy; Germany is governed by the Kaiser and his advisers. In Bismarck's time he began to develop the policy of taking over the railroads as military agencies, seeing ahead more than 40 years from the time he began it to the mobilization of the German Army in 1914.

In every country that is monarchical the Government roads are more successful than they are under a republican form of government. I do not know of a country in Europe where the railway operatives, down to the last report made before the war in 1914, have as little freedom of action as in Germany. Freedom of speech is unknown; unions are prohibited; they work under ironclad military rule, and, by an edict of the Kaiser, may be conscripted into the service, even if they are not

already so regarded, and may be subjected to military discipline in the operation of the roads. That is in time of peace; not in time of war. In ordinary times of peace all of the railway employees of that country may be subjected to military discipline.

It is a pleasing thing to go halfway around the world for our examples. Take New Zealand and Australia, which are the most often cited of all such countries. For practical purposes it would be better if the railways of New Zealand were in some other planet, because they would be more inaccessible. The farther away you can get from the world in the examples the better. The truth is in all Australasia the population is decreasing, the industrial enterprises are lagging, the public enterprises conducted by the State are steadily working out their destined end and show a diminished effectiveness and impairment of service.

Remember, the test is not a few years; all new brooms sweep clean. The test is the same test put upon other human institutions, upon the same things that, devised by human experience, have stood the test, not of five years but of centuries.

When that test has been applied halfway around the world to the Government owned and operated utilities, like steam railways, they are beginning to work out their natural result; the best authorities writing of New Zealand in 1914 say that the tendency in New Zealand for all the public enterprises of that kind is to revert to private ownership; that the governmental owned and operated utilities have been tried long enough to find out that there are some defects in the system that are so vital in character as to condemn them.

Let us consider our own country. It is said to be progressive here in the United States to advocate the Government ownership and operation of railroads as a permanent policy; that because, under the stress of war, we take the roads we must keep them; and a war policy, it is argued, is a good peace policy. I have not forgotten things that have happened in the last 25 years all over this country. There is a bolsheviki of false economy. There has been a multitude of economic dervishes going to and fro over the earth burning with all the fanatical fervor and zeal of orientals. The torchlight fakir is abroad in the land every night; the soap-box agitator is on the boulevards. The stalwart-lunged apostle of a general divide of all human possessions cleaves the air with his resonant bray. It is progressive. Why, it is even becoming fashionable. I talked with a suffragette the other day who told me that she was in favor of the Government ownership and operation of railroads. "Well," I said, "do not talk to me about it. I am a suffragette myself now, but if you women folk get to running the railroads I shall not be responsible for my behavior hereafter."

I have seen that motley crew come and go. They began with "Sockless" Simpson, with the whiskered Pepper, with "Greenback" Weaver, with A. J. Streater, and those of lesser fame. All of them shrieked and gesticulated in their time; they had their entrances and their exits; their fads, their nostrums, their universal panaceas for everything that afflicted the body politic and for every disease to which human flesh is heir; a variegated swarm of discontent, a miscellaneous horde, against everybody who had a dollar or a clean shirt to his name.

They had their day. In the far West and in the Mississippi Valley we had the Granger agitation. I remember it when it came in my boyhood days; I heard it all; it is a part of my juvenile experience. We wrote a new State constitution; we had a railroad and warehouse act. The railroads unwisely said that they were purely private enterprises and could not be regulated; but we framed a State constitution, just as they did in Iowa, Kansas, and in some other Western States. We fixed charges for railroads and for warehouses. The litigation went through the courts, and the case of Munn against the State, which was decided by the Supreme Court, and the Bowman case from Iowa, settled the question that railroads and warehouses are impressed with a public interest and are subject to Government regulation. Those things all happened in their time. Those were valid reforms; those were elemental in their character; but like all other reforms somebody got the bit in his teeth and ran away with them. It is one of the dangers of hooking up with a radical that you must either travel his gait or be trampled on. So with these railroad and warehouse regulations provided in State constitutions and by acts of the legislatures in Illinois, Iowa, and other Western States, soon the radical and the vociferous brotherhood who always are found bawling and braying in the wake of reform to make it ridiculous, unless guarded by sanity and moderation, came and took possession of the entire proceedings. They proposed to do a great many things. They said "regulation is a failure; legislatures are corrupt; the warehouses not only refuse to obey the law but they join with the railways, and by discrimination and by influencing public offi-

cial, practice injustice on the producer and on the shipper as well as on the consumer." So they said let us have Government ownership; and all the way from the foothills of the Rocky Mountains, coming on through "bleeding Kansas," through Missouri, Iowa, Illinois, Indiana, and sweeping over the continent until it reached and broke on the Allegheny Mountains, there was the Populist with his impossibilities, with his disregard of the amenities of toilet, and with his ingrowing prejudice against hair dressers and tailors. His principal assets were whiskers and elocution.

Along with him were a multitude of people in the granges. I was a farmer in those days, and I abounded in farmers' meetings, being a boy 12 or 14 years old; but I heard them through. When they finished up, Mr. President, with their harangues, they always had Government ownership for everything worth owning. In a little while the pinch came. Every one of those whiskered reformers, torchlight fakers, howling dervishes, and fanatics from the four corners of all the continent became a greenbacker. They proposed to pay the Government debt—the Civil War debt—by issuing fresh promises to pay upon maturity, and the new promises in turn were to be redeemable in nothing and paid nowhere this side of eternity. That was the sum total of this gentry's fiscal system, the goal of their monetary reform. It found followers; it created a furore. Men were called statesmen who subscribed to their doctrines, and those who did not were almost tarred and feathered by excited gentlemen who mistook their vagaries for financial wisdom in rural districts. The farmer fell for the procedure for a time. He followed it awhile until he found out where it led him. He observed many of the lusty reformers were conscientious objectors to hard work and exercised their vocal cords rather than their muscles. Then the farmer in my section of the country became a conservative, and he is a conservative yet. You can go out and talk Government ownership of railways to him until you are black in the face, and everyone who lived through 1870 and 1874—the Greenback days, the days of repudiation, before the resumption of specie payments, the time when all these things were to happen that were to give him something for nothing—he will tell you that he has heard that before and that he has graduated on that kind of economic science.

Matters went along and all know what we have now—the two ends have connected. The only difference there is under the shining sun between the Socialist and the unlimited Government-ownership apostle in New York or on the plains of the far West is the hair dresser and the tailor. The Socialist in the city, with his reactionary program harking back to the days of Aristotle, is exactly like the old Populist in Illinois and Kansas. Everybody knows what ails them both. He wants something for nothing. He mistakes a disease for a principle and his yearnings for a right to another's earnings; he is a lineal descendant of the same old sire; the same economic blood flows in his veins; and the same political inspiration and fervid ejaculations are found in him that was found in his ancestors of the early seventies. There is no difference between the Socialist of to-day and the Populist in Illinois and Kansas in 1872 and 1874, except that one shaves, cuts his hair, and wears tailor-made clothes, while the other had a rooted aversion to any of the acts named.

Now, we have arrived in this year of our Lord 1918 to the same kind of a proposal. The Populist said then "Everybody is corrupt; every legislator is a horse thief; everybody who has a million dollars stole it from somebody else or he would not have it; he could not have made it honestly." Any accumulation of property was to be frowned on; no one could make anything without taking it away from somebody else. If nobody was rich, nobody would be poor; thrift was to be punished as a crime. Reduce every one to the dead level of mediocrity. Help the human race by pulling down to your level anyone who is above you. Do not try to exert yourself and advance to his ability. Real progress is keeping the industrious from receiving the fruits of his toil so the incapable and slothful may hang on to the coat tails of energy and hard work. We have reached now the same thing. Government ownership of railroads! We are to have it for the same reason—that the railway managers are dishonest, incapable, corrupt government, and know nothing of decent citizenship.

I listened to the eloquent description of my genial friend from California of the one-time deplorable conditions in that State, from which it has recently emerged, I understand. As long as California has such Senators redemption was inevitable. There is no necessity to indulge in such experiments to save California. There is no occasion here for taking a headlong plunge into the gulf of Government ownership just to keep California safe. The Senator, I know, can clean it up again if it

should unhappily relapse, and certainly somewhere among our friends it was very effectively cleaned up at the last election.

He said that at one time the State was in the grip of the railroads. Let that be granted. So was Iowa in the grip of the railroads at one time; so was Illinois; and I have heard stories about Ohio.

There are 48 railroad offices in Chicago. As late as 1914, Mr. President, when I had the misfortune to be a candidate, I knew of but three friendly offices out of the 48 in Chicago. So I do not owe the railroads politically a thing in the world more than anybody else; but because of conditions in my State, I do not wish to inflict upon the whole country such an experiment. I myself will remedy any undesirable conditions according to my lights and to the best of my ability, and I know the Senator has done so in California, and is able to do so either now or hereafter.

I know that the railways at one time did meddle in politics; I know that manufacturers meddled in politics at one time; I know that banks meddled in politics to some degree at one time. There were many cures proposed. I heard the initiative and referendum proposed at a conference of Western governors held one night in Chicago. They advocated the initiative and referendum for everything; and Gov. West, of Oregon, who was present, told how it worked in Oregon, where they had initiative and referendum for everything, from deciding cases that the Supreme Court did not know anything about, and in the final decision of which they made a mistake, down to amendments to the fish laws affecting the Columbia River. Every evil was to be cured in that way. Well, they tried that out, but it is a forgotten issue long ago.

At the meeting to which I refer I struck the one discordant note; I was the skeleton at that family feast; I protested against the indiscriminate use of the initiative and referendum, and I rendered myself very unpopular. On that same night the Chicago, Milwaukee & St. Paul Railroad opened its Puget Sound extension and ran through for the first time a train connecting with the Pacific Ocean. The next morning the criticism represented by the initiative and referendum league meeting attended by all of those Western governors got two pages in the Chicago newspapers, while the opening of a great continental extension, that ran from the shores of Lake Michigan to tidewater at Seattle, Wash., got 2 inches of notice. That is the way the newspapers sometimes estimate news. There was an undesirable condition, and that was the remedy proposed for its cure; but it is long since forgotten.

Now, we propose to change the remedy and have Government ownership and operation in all States where the railroads have had too much influence. I am not afraid politically of any railroad in the United States. If a railroad fights me or you, you can take the opposition to it and go out and get more votes against it any day in the week. Every intelligent railroad man knows that. That is why some years ago in my section of the country the railroads went out of politics; they learned too much to stay in; their advisers in handling the great properties concerned told them that they had better run railroads and let all the people who had votes run politics and not undertake to impose their individual will upon party voters or party organizations.

We are told that there was corruption in San Francisco. Well, that is not its normal state. It is said there is corruption in Chicago. I presume also that is not its normal state. I have been quite well acquainted with Chicago for more than 25 years, and I do not know of a city council they have had in the whole of that time—and I have seen Chicago grow from a city of 300,000 to a city of 2,800,000 people—that has not been berated by some of the Chicago press as totally unfit, as bordering on bedlam, or as fit for the penitentiary all or a part of the time. They have not had many honest aldermen there in 25 years according to some newspapers.

When the editors talked to me around the clubs about the villany of some of the aldermen and the politicians of Chicago, I have always said, "Why do you not go out and beat them?" They replied, "Well, we can not." I asked, "Why?" They answered, "Well, we can not get votes enough." "Well, then," I said, "you had better migrate to some country where there is a monarchy. If you can not control votes enough we must shut up and stand it." They say that Mike Kenna is elected alderman and that Bathhouse Coughlin, one of his colleagues, also comes in. Well, they have tried to beat them and have run any number of respectable candidates, according to their version, but they do not get past the quarter post in the race. They can not convince their constituents somehow. The aldermen in the first ward distribute too many turkeys at Thanksgiving. They started in a long way ahead of the election, and

with their lodging houses, free-bed houses, free-lunch counters, saloons, and all the other appurtenances that go with metropolitan civilized life, they are able to reach the voter. Then in that section of the country they naturally take up a "high brow" and run him for office. Well, the higher the brows are the lower their temperature, so that they do not get up much heat in a campaign. They do not attract the impulsive voters, and then the editor becomes glum; he goes back into his sanctum sanctorum and indites a fearful screed about corruption in great cities. Well, there is nothing the matter, except that the editor does not know politics in free democratic government. He ought to settle in a ward and get acquainted with his constituents.

Of course, there is sometimes corruption in Chicago. We have had some aldermen that were not quite up to the mark. Some in San Francisco, I understand, have been a little off-color occasionally. Along in the time of Eugene Schmitz and others, who were somewhat distinguished, following out the course of their civic activities as practical politicians they once gave city politics a bad name. Therefore let us have Government ownership and operation of railroads.

Government operation inside of State lines has produced some practical results; but if the Government can not run the railroads, if it takes them permanently, any better than Government has run the State and municipal affairs it has undertaken, then I am right in my opposition, for it has universally failed to produce as good results as private control. Governments can exercise police powers and war powers and affairs essentially public. It can not run what is essentially private business.

It has been intimated that the only way to clean up conditions was to put section 13 back in the bill. I am aware that this seems somewhat aside from the purpose of this bill, which is a war measure and calculated only to provide for Government operation of the carriers during this emergency, but it has passed beyond that and reached a point of discussing the propriety of taking over the roads as a permanent policy, and of course that brings up the whole question. I can not hope to discuss it here as I should like with the amount of freedom that I can in a campaign when that issue is presented, but I have looked up such matters as are near home in my own section of the country. I have read such matters as have come to me as to all of such experiments that have been made among civilized peoples. I have come to the conclusion that it is a dangerous experiment and that it can not succeed.

There are 1,800,000 railroad men in the United States. On the 30th day of June, 1916, there were 517,805 Government employees. At the present time, in all human probability, there are 700,000 Government employees. As a rule, about 60 per cent of them are under competitive civil-service appointment. With 1,800,000 railroad men and with 700,000 Federal employees, there would be, as soon as the railroads are made permanent as Government enterprises, two and a half million voters. Two and a half million voters in the country are about one-sixth of the total vote cast in the United States at the last presidential election. If one-sixth of the total votes cast are in Government enterprises, then the Government is no longer a popular government. According to my observation and experience, there can not be Government ownership and operation of many public utilities. When the employees reach two and a half million there can not be republican government and public ownership and operation existing in the same territory and governing the same people. It is an impossibility. One of two things must happen. Either the Government must control the employee or the employee will control the Government. The last will happen or the employees must be denied the power of organization and political activity.

Organized labor controls this Congress, House and Senate. I think I know what I am talking about. I am no novice on that part of governmental affairs. Two and one-half million Government employees, every one of them in a compact organization! Even the vast powers of the Postmaster General are utterly unable at this time to cope with the postal employees. I sympathize with them in their claims for better wages. I shall support reasonable increases. I do not sympathize with them when they undertake to dictate to a department or to Congress what shall be done. With two and a half millions of employees in this country, I know what will happen. The junior Senator from Ohio [Mr. HARDING] used a phrase here once that described it: That you take the Government out of the hands of the people and put the people in the hands of the Government. There is not a candidate for office, there is not a potential candidate for President in either party, who to-day is

willing to stand up and tell the truth about it and take the consequences.

The leaders of the unions, the American Federation of Labor, are loyal and zealous and patriotic in their efforts to obtain service from all the members of that organization. They have failed in many vital times and places to do so. I join with my friend Gompers in his efforts to obtain loyal service from the members of the American Federation of Labor in shipyards, in every industrial plant, and in the railways of the country; yet Mr. Gompers is like Orpheus in mythology. He invoked around him, by the power of his music the savage elements. After he had assembled all of them he became unable to play his instrument, and they fell upon each other and him and Orpheus perished. Mr. Gompers has invoked the spirits, and if he can not play sufficiently, or the conditions do not suit them, destruction threatens. Everybody knows that to-day the one great weakness in connection with winning the war is the inability to get a day's work out of a dangerously large number of the men in the industrial plants and in the shipyards of the country.

The President faces that great problem. Every departmental head knows it. Strike after strike has occurred. Boiler makers, riveters in the shipyards, ship carpenters, workers in industrial plants of every kind, have laid down their tools and walked out for one reason or another. On Lincoln's birthday 5,000 men in a body, not far from this Capitol, walked out because they would not be paid double wages for working on a holiday—a striking method of celebrating the birth of the emancipator! Two days ago other men walked out, and a week before that many thousands walked out, on the open-shop question. They quit their work because they would not work with a nonunion man. The inference is that nobody but a union man has a right to live and remain on the earth.

I have earned my bread by the sweat of my face many a time, like many of you Senators here in your earlier lives. I have worked with my hands, and I can do so again; but if I were in shop or field I would stand up to the last breath I had in my body for the right to live and earn an honest living in this world without joining, unless I wished, anything under the sun to do so. I have a right to live without joining the Presbyterian Church or becoming a Roman Catholic, a Mason, an Odd Fellow, a member of the Mine Workers' Union, or a member of the American Federation of Labor. I have a right to live and remain on earth in any honest occupation without asking any union official whether I can work or not. I will fight for the right of a labor union to exist. I will fight just as sincerely for the right to live and work outside of a labor union. One right can not survive without the other. In time of war their patriotism has overcome their desire to advance the cause of the union. I commend that spirit. Let it influence them all. I join with all of them cordially. I will go with them to the uttermost limits; but when peace is restored the same troubles will return. They can not be avoided by Government ownership and operation of railroads. They will be multiplied and aggravated. If the railways are taken over permanently and the conclusion of peace has restored us to normal conditions, then these same problems will be more difficult to solve. We will have the same question again of the 2,500,000 Government employees in a compact union. If now, Mr. President, Congress can be driven into the enactment of the Adamson law, if it can be driven, contrary to the individual judgment of Members, into the support of many unwise measures, what will it be when the Government employees, two and a half million of them, come in serried ranks and a compact body and deliver, through their chosen spokesmen, orders to Congress for legislation?

I know what will happen. One of two things must happen: Either the employees will govern this country or the Government must rule the employees. In both England, New Zealand, Australia, and little Switzerland there are authorities who have had the greatest of practical experience on this subject, who have come to the conclusion that every Government employee in a utility of the kind we are considering must be by law compelled to abstain from political activity. He can vote, but that is the end of his political privileges. He can not become a member of an organization. He can not engage in party activities. He must confine himself solely to voting on election day, and the rest of the time he is a mere employee. That prohibition of activity necessarily prohibits the formation of unions. There is no escape from the conclusion.

I have seen better conditions prevail in California. I have seen them improve in my own State. It is not necessary to make this headlong plunge into the gulf of experiment in order to remove the evils that have existed. I believe in regulation,

I believe the regulated processes of government, acting on these institutions, can remove the evils complained of.

I am as certain as I am of any worldly thing that the highest form of human society is attained through the regulated individualism of the American people.

I never knew a government to discover anything. It appropriates what another in private life discovers. Even in time of war the universal experience is that in every democratic government the red tape must be shot off to get rid of it. Outside of a monarchy, there is no escape from the petrified conditions that prevail in peace times in every governmental undertaking. It is utterly without precedent to think that the Government ever invented anything. The processes of taxation exhaust the ingenuity of all governmental agents. By the time they frame revenue bills, put a tax collector in the field, and pass the appropriation bills statesmen are exhausted, people and the press weary, and governmental processes have arrived at their legitimate end. That is the universal experience of every government on earth, outside of a monarchy. A monarchy grants titles, creates orders of nobility, rewards the discoverer or the inventor or the successful contractor, those who build tunnels and bridges, who make themselves distinguished in some line of human effort. It can stimulate and connect its processes with the best in private enterprise. It can prepare for war secretly.

A republican government can only hope to protect its people. It can not undertake the promotion or interference with the private pursuits a monarchy can. It is a radical difference in the two forms of government. Republic government is unfavorable to the assumption and operation of essentially private occupations. Free government is not devised to support people. It is devised to protect people while they are supporting themselves. It is designed to give the largest measure of individual freedom to man in private life. Some people here seem to have an idea that the object of government is to support everybody, and on that idea there is based this notion of taking over the railroads as a permanent effort and administering them by the Government.

I have taken more time than I ought, and I have only very faintly enforced my views. I wish I could have more time, which I am sure will come in a future campaign, and if I am alive and in health I intend to carry these measures out as I see them to their logical conclusion. I intend to hit the main question.

I want to say to those on the majority side of this Chamber that the great issue is not one of those that have heretofore divided the Democratic and Republican Parties. In the immediate years—not in the next generation, but in your generation and mine—our problem will be to defend civil liberty and the right of individuals under a free form of government to remain and be secure in our possession of private right. It will be to protect it against the agitator, against the socialistic state, against him who intends to absorb every private pursuit by the Government, to destroy the ownership of private property in every form whatsoever, to take it from those who have it and vest it in the hands of a government to be selected by an aggressive minority. An organized minority will always defeat an unorganized majority, and they know it.

There are two forces working. The current will begin to draw your craft, as it will ours. Those who are at the head of large public utilities have been legislated on and hectoring and annoyed until I know the sentiment of some of them. They are ready to surrender their property. They are ready to let the Government take it. They know that, unless by armed force, it can not be taken away from them unless there is just compensation, and they are willing to let go. The head of one of the largest public utilities in the world is of that frame of mind. He is tired of the incessant fight to protect the vast interests of which he is the executive head. Joined with him are others of a like mind, and all of them are to-day unconsciously traveling toward the goal of the Socialist. We ourselves, when at the threshold of such a bill as this we are faced with one of the principal proposals of the socialistic state, owe it to ourselves to join with all who believe as we do and defend that institutional liberty and the right of private property and of a government of regulated individualism until there will be no opportunity to indulge in such propaganda and principles as are laid down in section 13 as a permanent measure.

I know what it is. It is proposed to carry that into the campaign, to make it impossible for the owners to have their property until it has passed through a crusade of the kind that will be instituted by the gentlemen whom I described a while ago. I know what that kind of a campaign means, the prejudices that can be appealed to, and the impression that can be made upon a great body of the voters of this country. It is a task that exceeds the 12 labors of Hercules to go before the

multitude, the great jury, on a question of this kind and defend the right of private property, of regulated individualism, and of the institutional liberty that we have inherited from our fathers.

Mr. POINDEXTER. Mr. President, it would be entirely possible to admit the soundness and accuracy of most of the statements that have been made by the Senator from Illinois [Mr. SHERMAN] without affecting one's position whether for or against the pending bill.

The fact of the case is, after hearing the entire remarks of the Senator from Illinois I am somewhat in doubt whether he is for or against it. The most definite thing that I have heard in that respect, I think, was an announcement that I saw of a notice which the Senator from Illinois gave on yesterday that he was going to speak to-day in favor of the bill; so I assume from that that the remarks which he has made are in support of this measure—though it provides for Government control; and his speech was an eloquent and somewhat vehement denunciation of the effects of Government control. The Senator said that it would put upon the Government pay roll some 1,800,000 railroad employees. I think he rather overestimated the number. My impression is that it is some 1,600,000 instead of 1,800,000, but that is largely immaterial. He also said from his inner consciousness—and he emphasized the fact that he was speaking of his own knowledge—that the labor unions of this country control this Congress. I would not have known that if I had not heard the statement from the Senator just now made. Stating, as he does, that he speaks from personal knowledge, I must accept it as true, at least, as to some.

After describing the terrible calamity that would result to the country from this great increase of Government employees he surprises us by stating he is for the bill, which will bring them all under Government control. Though stating he is opposed to Government control because of the power so many employees would exert upon the Government, he proceeds to claim that under private operation of the roads the labor unions control Congress, and he says that the railroad employees, under the old private competitive operation, control, and ownership, forced the Adamson law through Congress. I assume that the condition can not possibly be worse under Government control.

The accounts which the Senator has given of the construction of railroads from Chicago out into the wilderness, paying for them without mortgages, and the subsequent looting and ruin of them, as in the case of the Chicago & Alton, are all most interesting; but it is difficult to see in these circumstances an argument against Government control. I am at a loss as to what application the Senator intends to make of them. I assume that he is going to support this bill, notwithstanding his denunciation of the dire effect of Government control, though the bill provides for Government control, not only during the war but for 18 months after the war is over.

I am not here to argue for Government ownership, though I would not shrink from it if it should prove necessary. I have not the same horror of Government ownership of the public highways as the Senator has, though I think there are other measures, intermediate measures, which should first be tried before we resort to that last extreme. But if I were here to argue for it, I would not be deterred by the experiences that the Senator recites of State roads in Missouri and North Carolina any more than I would be induced to denounce the national banks and the national-bank act because at one time in our history we had the wild-cat currency of State banks.

Mr. SHERMAN. Mr. President, will the Senator permit an interruption?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I will yield for a question. My remarks will be quite brief.

Mr. SHERMAN. I do not know whether the Senator was here or not; but I announced on taking the floor, or very shortly after I began to comment on the bill, that I should support it unless section 13 as originally written was restored; that I should support the committee bill, although not approving of all its features.

Mr. POINDEXTER. That was my understanding of the Senator's attitude, and I am still somewhat surprised to know that he is going to do that, in view of his denunciation even of the limited restrictions that have heretofore been placed upon the roads. He says they have been placed in a "strait-jacket," and intimates that they should have been unmolested, along with Hinky Dink, Bathhouse John, and the "normal state of corruption" which he says exists in Chicago. The Senator seems to think that the railroads have been hampered and the country has been injured, even, by any governmental interference. But I think there are very few Senators, Mr. President, who do not favor an even larger measure of Government control. There are

probably very few Senators who, if called upon to vote for a permanent railroad policy for this country, would vote to go back to a system of unrestricted private control and operation. There are very few, I think, who would not vote for a more effective governmental regulation of these great public agencies.

There ought to be borne in mind at every point in the consideration of this measure, in the charge that it smacks of socialism, that these properties are not private properties. The Government control which is provided for in this bill is Government control of an agency and function of the Government itself, of public highways of the Nation, and the talk of the seizure of private property, of those things into which no question of public agency enters, has but little application to dealings with the public carriers of the country.

But, Mr. President, I wish to refer very briefly to the bill itself. The procedure of the Committee on Interstate Commerce in dealing with the bill, which was Senate bill 3385, to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, has been somewhat out of the ordinary. One or two very vital amendments or changes in the bill were made by the committee, but instead of reporting them as amendments the committee has embodied them in a new bill—Senate bill 3752. In fact, as the deliberations of the committee proceeded, its chairman has introduced several new bills to embody the result of the committee deliberations, so that in order to reach parliamentary consideration of the changes in the original bill, which have been proposed by the majority of the committee, instead of the burden being upon the committee to propose and carry its amendments, the burden is upon the advocates of the original bill as introduced, who desire no change in certain vital respects to present amendments. I do not think that the bill as worked out by the legal advisers of the Director General, including Hon. George W. Anderson, of the Interstate Commerce Commission, has been improved in any way by the substitute bill offered by the committee. The bill as introduced made no express change in the rate-making authority of the Interstate Commerce Commission. It is true that it was claimed by the Director General that under his general powers he had supervisory control of rates, as provided in the bill, yet that was a matter for legal construction, and it was the avowed purpose of the Director General not to interfere, in general, with the rate-making duties and authority either of the interstate or State commissions.

The bill as originally introduced did not provide for the return of the railroads to private control, but retained the Government control until further action of Congress, thereby giving to the advocates of readjustment of our transportation system, with reference to unification and Government control, the advantage of the present status, and putting the burden of the enactment of additional legislation upon those who favor a return to the private competitive system. The committee substitute bill reverses both of these principles. It overturns absolutely the initial rate-making powers of the State and Interstate Commerce Commissions, and imposes the vast burden of that complicated and technical work upon the President, giving to the Interstate Commerce Commission the strange rôle of appellate power over the action of the President. Nothing whatever remains of the rate-making powers of the various State commissions, the entire rate-making field being covered, under the committee substitute bill, by the initial rate-making powers of the President and appellate or supervisory rate-making powers of the Interstate Commerce Commission.

The committee substitute bill provides that "rates shall be fair, reasonable, and just," but does not require of the President, as was required of private operators by section 3 of the interstate-commerce act, that no "undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any description of traffic," shall be given. Under the previously existing powers of the Interstate Commerce Commission it was its duty to enforce this provision; but as the bill is now framed the obligation of this statute is entirely removed from all rate-making authority, whether private owners, the President, the Interstate Commerce Commission, or the State commissions. The matter is left entirely in the discretion of the President, subject only to the vague and effusive generalization that "rates shall be fair, reasonable, and just." The committee substitute bill provides as follows:

The President may initiate rates by filing the same with the Interstate Commerce Commission, but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the justness and reasonableness of so much of any order of the President as establishes or changes any rate.

This destroys the very foundations of the rate-making authority and the legal restrictions upon rates that have been carefully worked out through a quarter of a century of travail.

The matter is left entirely in the discretion of the President. Of course it may be said the President will not abuse that discretion. It is hoped that he will not. But the Senate is supposed to be considering the law, or proposed law, and not individual discretion, whether it is that of the President or some one else. Those who are familiar with the issues which have been fought out between the public, the shippers, and railroad corporation owners and operators during the past generation know of the labyrinth of technicalities, complications, regulations, terms, trade areas, and direct and indirect effect upon communities, firms, and individuals of rates, and the machinery of government which has been built up under the Interstate Commerce Commission for dealing with this labyrinthian subject will readily understand the absolute impossibility of the President, starting where the Interstate Commerce Commission started 30 years ago, with his other unparalleled duties and authorities, being able to cope with the constantly recurring rate-making problems. It may be said that he will have the benefit of the advice of the Interstate Commerce Commission, but, unfortunately, the bill deprives him of that benefit because it expressly gives the commission appellate and supervisory power over the decisions of the President as to rates. Of course it is obvious that they can exercise no real supervisory power over the President, if assisting him, and at the same time serving him as agents, in the exercise of his rate-making authority.

The Interstate Commerce Commission consists of nine members. The term of one expires each year and in 1921 and 1922 the terms of two members of the commission expire. All of these vacancies are to be filled by the President. All except two of the members of the commission were appointed by the present occupant of the White House. Giving to the membership of this tribunal—which in the main throughout the greater part, at least, of the time since its establishment has rendered most valuable service—credit for the highest character and the greatest firmness, it is expecting too much of them, or any other set of men similarly placed, to ask that they shall override, however clear the case might be, the orders of their official creator in the fixing of rates. The committee substitute bill, in putting the initial rate-making authority in the hands of the President, thereby taking it out of the jurisdiction of the Interstate Commerce Commission, and then providing for a review and supervision of his acts by men who are his official creatures in the sense that their official status is created by him, and expecting any real independence of judgment from such an appellate tribunal, is contrary to the experience of government and the science of legislation. It throws into confusion and uncertainty the entire rate-making machinery of the Government, which has been so painfully constructed.

It would have been far better if the bill had contained a simple, express provision reserving in the interstate and State commissions their existing rate-making authority, with the proviso that where necessary only, in the exercise of the duties imposed upon him by this act, the President might change rates so fixed. The mere spectacle itself, detached from its application, of the President of the United States being subject, in any of his actions, to the orders of subordinate executive or administrative officials appointed by him, is undignified and humiliating. Furthermore, in its application in this particular case, it is wholly unscientific and will be utterly ineffective.

This bill provides for the temporary use by the Government of railroads and the return to private control and operation 18 months after the "proclamation of peace terminating the war in which the United States is now engaged." The mere temporary taking over of roads and the temporary use of them by the Government, the measure of compensation for the two or three years of such use, or even the temporary method of rate control—questions which largely absorbed the debate upon this bill—are comparatively unimportant. A few years or months until the date fixed by this bill for the reestablishment of the old railroad policy will soon run by, and the country will easily have survived even the mistakes of legislation or of administration for that brief period. The one question of transcendent importance in the railroad problem is, What is to be the permanent disposition of the railroads—of their control, their rates, their service? Will we permanently persist in maintaining a system of private ownership, private control, private exploitation, in many instances, of the public highways of the Nation, through which the lifeblood of the people flows? Are we to continue the competition of rival private companies in the operation of these public arteries, with private gain and advantage as the first and primary consideration, and at a constant loss to the public of a part of the capacity of the roads? Or are the public roads to be operated as public roads, with the public interest as the primary consideration and private profit a secondary or incidental consideration? Shall the roads be coordinated and operated as one system, so as to secure the full and best use of

each, both in handling the business of the communities where they are located and serving the Nation as a whole, as a part of one national system? Shall the enormous amount of cross hauling of commodities, the economic waste of unnecessary transportation, be curtailed and freight be routed to its ultimate destination by the shortest route? None of these matters are disposed of by this bill. Confessedly, by its express provision, its operation is temporary, to terminate on a certain day and hour in the near future, with no provision whatever made for the solution of these great, practical, public problems and policies.

In the broadest terms, opinion upon the proper policy of the Government toward the railroads may be divided into two classes: First, those who believe in private ownership and control and a continued rivalry and competition of private lines as they existed before the roads were taken over by the President; second, those who believe in complete Government control, with either private or Government ownership.

It is consistent for those who believe in continued private control to support the bill introduced in its present form.

By that I may say, in order not to put myself in the same attitude of indefiniteness I charged the Senator from Illinois [Mr. SHERMAN] with being in, I am in favor of the bill that was first introduced, and am opposed to the changes which were made in it by the committee, and when I speak of the bill in its present form I am referring to the last one of the series of four separate bills, each with a separate individual number, which has marked the various evolutions of this piece of legislation, each one worse, I think, than the other.

It is consistent for those who believe in continued private control to support the bill introduced in its present form since by its terms it restores private control 18 months after the "proclamation of peace" and puts the burden of additional legislation upon the advocates of Government control. But those who believe in Government control and in the unification of the railroads of the Nation into one system, to be operated under strict Government supervision, with either private or public ownership, should support the original bill, as it was framed and introduced by the Director General and his legal advisers—in preference to the new committee substitute or committee amendment—whatever term may be given it. As it was first framed, the effect of the bill was that the roads should not be restored to private control without further legislation to that effect. I have talked with most of the members of the committee, with railroad men, with shippers and consumers, and for 20 years have been actively interested in practical and theoretical questions of railroad policy, and have been in contact with all shades of opinion upon that subject. I do not hesitate to say that the overwhelming consensus of judgment in this country is that our transportation system should not be returned to its former status. How many Senators are there here who will say that they are in favor of private, competitive operation and control as it existed heretofore?

I have an idea there are a few, but there are not many. I venture to say. The distinguished Senator from Indiana [Mr. WATSON], in his learned discussion upon this subject, stated his position in these words:

Mr. President, as to the second suggestion, I desire to say I do not believe that the railroads of this country will ever be permitted to return to the old competitive system which we have compelled them to pursue for the last 30 years. I do not believe they should be permitted to return to that system. I believe that they will be nationalized; that they will be operated as one transportation system; that they will not be compelled to compete; that they will be permitted to pool their traffic and their earnings; that useless lines will be abandoned; that all the property and all the equipment which every railroad has heretofore provided for its own operation and its own use will be used in common by all the other railroads in the nationalized system. I believe that the Government will control and finance this unit, and that private ownership will be continued in the future as in the past. In other words, complete Government control, with private ownership of the property controlled.

Furthermore, those who are in favor of pooling, whether under private control or under Government unification and control, will all agree that it is a question of colossal importance; and yet, like the Senator from Indiana, notwithstanding his positive and earnest declaration that he does not believe that the roads will ever be permitted to return to private control and the old competitive system, though recognizing the vital character of this question, propose, by this bill in its present form to do that very thing, namely, to restore the old system on a certain date. The able Senator from Indiana says:

Why, then, should not the powers it—

Referring to the pending bill—

bestows cease at such specified time after the war? On what theory can it be definitely extended?

I presume that was a typographical error and means "indefinitely extended."

Who is willing to contend that it is necessary in order to win this war to permit Mr. McAdoo, or any other man, to control the railroads long after the war?

And yet, in the same address, the learned Senator has stated that it is his belief that the Government will control and finance this unit—the unified and nationalized railroad system of the Nation—not only long after the war shall have ceased but permanently.

If Senators entertain these convictions, why should they vote for the committee changes in this bill, which provide for a return to a system which they believe to be wrong, trusting to some future Congress, perhaps, with possibly some future President, to undo, in the interest of the policy which they advocate, what by this committee bill they do?

Mr. WATSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Indiana?

Mr. POINDEXTER. I yield to the Senator.

Mr. WATSON. If the Senator will permit me, I do not think he can find the inconsistency in my remarks that he might lead one to believe that he has found, or at least thinks he has found.

My contention is that this is a temporary measure, for war purposes only, and that at the conclusion of the holding or operation by the Government—that is to say, at the conclusion of the 18 months after the expiration of the war—these roads shall be turned back to private ownership, but that in the meantime we shall legislate in accordance with the other plan that I have suggested, or something along that line. I do not believe that the Government should continue to operate the railroads as they are now being operated; nor do I believe, on the other hand, that the railroads should be turned back to the old competitive system under private management; but I do believe that the railroads should be turned back to private ownership—that is to say, that private ownership should be continued, because the system of private ownership now obtains. I do believe, however, that between this and the time we turn the roads back we shall by appropriate legislation agree upon some system of governmental control that will obviate the necessity of Government ownership and yet will nationalize and unify the railroad systems of the country. So I do not see, with the permission of my friend, the inconsistency that he attributes to me in my remarks.

Mr. POINDEXTER. Well, Mr. President, I think I understand the Senator's position, and he advocated it very ably and very logically; but the fact still remains, and it is verified by the statement which the Senator has just made, that, in his opinion, private control should cease and that it should be supplanted by Government control before the roads are turned back to the private owners; but, notwithstanding that, he is supporting a measure providing just the contrary to that, to turn them back on a certain date, with no provision such as he advocates.

Now, he again says he thinks it ought to be done before that date, fixed in the bill for the termination of Government control, comes; but he is depending upon some future contingency, upon some future Congress, upon a future President perhaps, with all of the obvious and familiar difficulties of legislation, to accomplish a thing which he declines to do, though I suppose he regards as of the utmost importance.

Mr. WATSON. Now, Mr. President, if it will not interrupt the Senator—

Mr. POINDEXTER. Not at all.

Mr. WATSON. Let me ask the Senator, would he now, in connection with this measure, which of necessity is temporary in its character, enter upon legislation to determine the whole future policy of this country with reference to the management, control, and operation of the railroads?

Mr. POINDEXTER. No; I would not; but I would not vote to return the railroads to the old private-owned competitive system until legislation had been enacted to remedy the existing evils, which, the Senator from Indiana admits, exist.

Mr. WATSON. Then the only difference between the Senator from Washington and myself is that he is apprehensive that the Congress that will be in existence at the close of the war, and for 18 months thereafter, may not perform its duty, whereas I have no such apprehension. In the speech which I made on the floor with reference to the question, I distinctly announced that the Congress then in existence would do its duty and would measure up to the requirements of the hour. That seems to be the difference between us.

Mr. POINDEXTER. I hope that it will, Mr. President, do its duty. I have very little idea of what kind of a Congress we shall have at that time. I am familiar with the opportunity to blockade legislation even in good Congresses, and I prefer to act in the present, to preserve a status which is advantageous toward the accomplishment of the object which the Senator desires, rather than to surrender that advantage and console our-

selves by a eulogy of a Congress that is not yet in being, and about which we know nothing whatever.

Mr. President, the final court, of course, before which this question is to be tried is public opinion; and before you restore the control of the railroads to private interests why not give the shippers, producers, and consumers of the land, for whom and by whom alone this public service is maintained, an opportunity at least to be heard at an election. If the public desires a return to private control, the owners of the railroads will unite with them to bring it about and there will be no legislative difficulty in the enactment of the law; but if, as is almost sure to be the case, the American people, like the Senator from Indiana [Mr. Watson] and a majority of the members of the Interstate Commerce Committee of the Senate, do not desire to return to the private rival lines, to the rate discriminations, to the power of life and death over industry in private systems, operated primarily for gain, then why prejudice the great question by the preference of this committee substitute bill over the bill that was originally introduced?

I will interrupt what I had intended to say here to answer a little more fully the question which the Senator from Indiana asked me a little while ago as to whether I would dispose of these questions now. On the contrary, in the midst of war the resources of Congress—the legislative resources—and all of the mental resources of the Members of Congress ought to be concentrated upon the conduct of the war; the resources of the country ought to be concentrated upon it; and there should be as little disturbance of existing systems, where such disturbance is not necessary or conducive to the successful conduct of the war, as possible. But for that very reason, because this is not an opportune time to dispose of these questions, and yet because they are questions that must be considered and ought to be disposed of, the present status, which gives an opportunity to consider them with advantage, ought to be preserved; and there could not be provisions put into this bill too rigid to prevent, whether 18 months after the war or at any other time, the return to a policy which Congress believes is wrong—at least, I assume that a majority believe it is wrong, and which the Senator from Indiana and myself agree should never be restored. I agree very largely with the Senator's substantive views about the matter. It seems to be largely a question of how to arrive at the object.

I am in entire accord with what the Senator from Illinois [Mr. SHERMAN] said about the preservation of the foundation of credit in the country. I shall have later on a few remarks to make in connection with that subject, though I do not agree with his eulogy of monarchical forms of government. I prefer a republic. The Senator's statement that every bureau of the Government must necessarily be in a "petrified" condition in every form of government except in a monarchy is a praise of monarchy from an unexpected quarter.

Mr. SHERMAN. Is Germany petrified?

Mr. POINDEXTER. I think it is the most bureaucratic Government in the world.

Mr. SHERMAN. Mr. President, then the sooner we get petrified in the same way the sooner we shall lick Germany.

Mr. POINDEXTER. Mr. President, I have not the same admiration for German kultur and the German Government that the Senator from Illinois seems to have. I have not the same admiration even for the boasted military ability of the German Government that the Senator seems to have, and that alleged German efficiency which seems to be such a fetish in certain circles. The subject of German superiority over the rest of the world is a little aside from this bill, but not any more aside from it than most of the things which the Senator from Illinois talked about in his speech. But even from a military standpoint Germany has failed. After preparing for this war with the most minute particularity, even down to the point of sewing two sets of suspender buttons on a soldier's pants, with secret plans, and the surprise of peaceful nations by violation of treaties, though outnumbering the French 8 to 5, Germany was defeated at the Marne, pinned to her trenches, and beaten in her object of occupying Paris in three months.

Even the boasted military prowess of the Germans is largely mythical.

But to return to the pending question—whether railroad control shall be retained until a permanent policy is adopted is largely a question of advantage of procedure. It is as though one should have enough confidence in his opinions and in the importance of accomplishing the great object in which he believes, to hold for those opinions and for the public interest of the country the advantage of the present status, rather than by surrendering it, put the burden upon the public of recovering it again.

Why should we, before we have acted upon these vital questions or even considered them, entrench the railroad corporations in the law and put the burden upon the people of changing that law against the obstructions of the entrenched interests? Of course, it is almost obnoxious nowadays to use the word "interests," but I use it in the most literal sense—the investment of private parties in these public utilities—and in no invidious sense at all.

The affirmative in legislation is always more difficult to maintain than the negative, just as the offensive is in warfare. If the German oppressors of Belgium and would-be conquerors of the world would get out of their holes in the ground, they would very soon be driven back behind the Rhine, where they belong; but they are pursuing a defensive warfare, and their opponents have the burden of the offensive. If we give the railroads, by the thirteenth section of the bill as amended by the committee, the first-line trench of the Senate, and the second-line trench of the House, and the third-line trench of the presidential veto, and the fourth-line trench of the courts, they may be depended upon to do enough camouflaging of issues, of gassing and bombing of opponents, of frightfulness and ruthlessness of business and political warfare, and of protracted discussion in the courts to make a long war and defer for many years the reestablishment of governmental control.

Neither is it likely that the great tribunal of the people, to which all of our actions here must be submitted, will decree in favor of a consolidation of the railroads of the country under private control, however much it might add to their efficiency. Such a monster of power in private hands could defy the Government, and its inevitable abuses would tempt revolution, which is already lifting its bloody hand in the world. Such a private power would set itself up above the courts and the people. Joined and meticulated together by the law, it would prove a very Frankenstein of irresponsible power and defy its creator.

The Senator from Illinois, if he will pardon me for referring to his speech again, has pointed out that even in the divided state of railroad power, it was able to force legislation through Congress. If we unite that power under private ownership, without the restraints of governmental control, the conditions which the Senator has described will be very much aggravated.

If it is agreed that private competition in transportation is wasteful and inefficient, and private monopoly is dangerous and oppressive, why is it proposed, in the little space of 18 months after the close of the war, to return to either one or the other? I say one or the other because, although supposed to be forbidden by the Sherman Antitrust Act, and so decreed by the Supreme Court of the United States, there was, until the roads were taken over by the Government, a steady tendency toward consolidation of private control. I might call attention here to the fact that I have seen appear before committees of the Senate a very courteous and able gentleman to speak for his client, which was a committee representing 97 per cent of all the railroads in the United States, and that concert of action was notwithstanding the Sherman antitrust law.

It may be admitted that this is an inopportune time for making these permanent readjustments, but the opportunity to make them, in so far as this law is concerned, should be preserved to the public, and the burden should be put upon the private interests involved to promote additional legislation if Government control is to be permanently divested. We should not surrender it by this act, and put the burden upon the public to secure additional legislation in order to recover it.

If I were opposed to Government control, Mr. President, I would promote in every way that I could the fixing of a definite time when it should end; but if I were in favor of it I should oppose legislation now or at any other time to bring it to an end.

The science of government teaches that laws should be so framed, as far as possible, as to make it to the interest of the governed to support the policies of the Government. This matter should be so arranged that the powerful private interests concerned would have the burden of positive and affirmative action in order to restore the old condition of almost unrestricted private control. It is always easier to delay, block, and defeat a bill than to enact one. If the bill passes in its present form the time will come when the passions of the people will be stirred by one of the most stupendous political conflicts in their history, with private interests entrenched in the statute and the public interest at the disadvantage of overcoming every obstruction and delay to which our form of government, with its intricate system of checks and balances, gives so many opportunities, with its bicameral legislature, its executive and judicial vetoes, its pigeonholes, its filibusters, its struggles in committees of the Senate, of the House, and of conference, with a legislative executioner at every door to demand the password.

If now, confessedly without consideration of the intricate questions involved, we provide that at a certain date the railroads shall be restored to the prewar private control, then we establish the private railroad interests in every one of these strategic points. The public interest should be established in them. The private interests would then be compelled to unite with the Government in securing the enactment of a law fixing a permanent basis of transportation.

The legitimate interests of every investor under the law should be protected, and liberality rather than parsimony should govern their compensation. The Government and the people can afford to be liberal, they can always afford to be liberal, but they can especially afford to be liberal in this matter, because the costs of the transaction are small compared to the immense and permanent benefits to be derived from the correct settlement of the question.

To illustrate just by one instance, Boise, Idaho, in the midst of the sheep country, is 700 miles nearer to the wool market in Boston than Portland, Oreg.; yet under the old private operation of roads the freight rate on wool from the wool country, Boise, to the wool market in Boston was \$1.98 per hundred, while the rate from Portland, 700 miles farther away, was \$1. The rate on wool from Boise to Portland was 77 cents, so that it costs \$1.77 to ship wool from Boise to Portland, and back from Portland, through Boise, and on to Boston; while it costs \$1.98 to ship direct from Boise to Boston, 1,400 miles less of transportation. The amount that would be saved to the people of vast regions in the United States by the removal of unjust and inequitable discriminations of this kind would far more than compensate the Nation in increased production and prosperity and in release from unjust burdens of rate taxation for any cost which, whether temporarily or permanently, the Government would be put to in taking over the control of the roads.

I was once a member of a subcommittee investigating certain charges that the development of coal mines tributary to the Southern Railway system was suppressed by those who controlled its finances in the interest of northern roads in which they were concerned. The testimony indicated that rich coal fields within easy reach of southern ports by way of the Southern Road were prevented from being developed by discriminatory rates. The removal of motives and opportunities for such manipulation of development by the private control of transportation—which really is a public function and agency of the Government itself—which would be accomplished, will be another compensation, with the long list of others, which far more than overbalance even the most liberal measure of satisfaction of any private claims in these highways.

The Erie Canal is a natural regulator and reducer of freight rates on all transportation between the Atlantic coast and the great West, from the North Carolina line to the Canadian border.

I have that statement, which fastened itself in my mind, from one of the most important representatives of the railroads in the country, and it undoubtedly is a basic truth. Under the system reestablished by this committee bill, the power of the vast investments in railroad transportation has attacked and destroyed hundreds of water transportation systems, which, if preserved, would have had effects similar to that of the Erie Canal. Under public control all motives for opposition to supplementary water transportation will be removed and, on the other hand, by the union of these two arms of traffic the efficiency of both will be increased and the prosperity of the Nation multiplied.

To some the financing of either Government control or Government ownership of railroads appears to be an insuperable obstacle. The Government ownership is not a necessary accompaniment of Government control, and to some it is undesirable; but, with or without Government ownership, the Government financing of Government control could be effected without difficulty or embarrassment, and the savings alone which would result from the economies incident to the consolidation of various conflicting systems, by a system of amortization and gradual reduction of financial obligations, even though the burden of Government ownership were assumed, would go far toward extinguishing the debt in 50 years.

Neither has consideration been given by this bill or in the framing of it to methods, means, and organization of Government control. These details offer no insuperable obstacle. The appointment of assistant directors for various consolidated transportation systems, composed of what heretofore have been rival and competing lines, with jurisdiction coordinate with certain sections of the system, acting under the authority of the Director General—subject to the control of Congress, and with the assistance of the established commissions—could very readily be perfected into a satisfactory organization. These questions,

however, are open for discussion and adjustment. It is not pretended in this bill even to consider them, and the opportunity for their consideration will be very much compromised by the preference of the committee bill.

Now, who is in favor of the old system, other than the private owners of the railroads? A few pseudoconservatives. By pseudoconservatives I mean those who by their natural constitutions are opposed to change of any existing institution. It is a false conservatism, because it is an impossible attitude. For many it would be a very comfortable position if it could be maintained. But it is futile to resist change. Evolution is a law of human society as truly as of the rest of nature, and obstruction of its course leads either to decay or violence. The law of the survival of the fittest, in the struggles of men and nations, applies to policies of transportation as it does to every other essential activity of organized society.

In our complicated modern state the lives of the people, in a direct and literal sense, depend upon railway transportation. Its mismanagement or perversion for selfish private interests is instantaneously reflected in the economic life of the people.

It is going far to say that a factor so vital to the welfare and existence of the Nation shall by this bill, at a fixed time, be restored to private control, without even an attempt at settlement of the mighty issues involved.

Mr. STERLING. I send to the desk a proposed amendment to the pending bill, which I ask may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. SMITH of South Carolina. Mr. President, I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The VICE PRESIDENT. The motion is out of order.

Mr. LEWIS. Mr. President, let me suggest to the Senator—

Mr. SMITH of South Carolina. I move that the Senate take a recess, then.

The VICE PRESIDENT. No; that motion is out of order. There is a unanimous-consent agreement that on the legislative day of Thursday, February 21, 1918, the Senate will proceed to consider this bill in a certain way. There can be no legislative day of February 21 if a recess is taken.

Mr. LEWIS. Mr. President, that is all I rose for—to remind the Senator that that is the situation.

Mr. SMITH of South Carolina. I move, then, that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1918, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 20, 1918.

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Rule Thou, Almighty King, over the spirit and affairs of our land. Add Thy favor to all our undertakings, both civil and military. Govern with the conquering power of Thy will the aims and work of the President and his advisers, the Congress of the United States, and all our Army and Navy authorities. May God reign that the country may live.

Be with the officers, Members, and servants of this House individually. Teach them to live as though each day were to be their last before the night cometh when no man can work, and yet as though each day were the beginning of an endless chain of causation, with every linked effect in which each must reckon.

And when at last they reach the vale of Jordan, through the merits of the atoning Savior, land them as ransomed souls safe on Canaan's side.

Aid the grace of our Lord Jesus Christ and the love of God and the fellowship of the Holy Ghost be with us all evermore. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, had agreed to the conference asked for by the House, and had appointed Mr. OVENMAN, Mr. FLETCHER, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. FRANCE and Mr. HOLLIS members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Interior Department.

CALL OF THE HOUSE.

Mr. WALSH rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] makes the point of order that there is no quorum present.

Mr. MASON. Mr. Speaker, pending that, may I ask unanimous consent to extend my remarks?

The SPEAKER. You can not turn a wheel until you get a quorum. Evidently there is no quorum present. The Door-keeper will close the doors.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Illinois moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Fairchild, G. W.	Kehoe	Riordan
Blackmon	Flood	LaGuardia	Rosenberg
Booher	Flynn	Leshner	Rowland
Britten	Focht	McCormick	Sanders, La.
Brumbaugh	Fuller, Mass.	McCulloch	Scott, Iowa
Candler, Miss.	Garland	McKenzie	Scully
Capstick	Gould	McLaughlin, Pa.	Sims
Carlin	Gray, Ala.	Magee	Slemp
Chandler, N. Y.	Greene, Vt.	Maher	Sterling, Pa.
Coady	Gregg	Miller, Minn.	Sullivan
Connelly, Kans.	Hamill	Miller, Wash.	Summers
Cooper, Ohio	Harrison, Miss.	Montague	Templeton
Costello	Haskell	Mott	Vare
Curry, Cal.	Heintz	Nicholls, S. C.	Walker
Dallinger	Hensley	Nolan	Ward
Davidson	Holland	Oliver, Ala.	Wilson, Ill.
Doelling	Hollingsworth	Parker, N. Y.	Wilson, La.
Doremus	Hood	Porter	Winslow
Drukker	Howard	Pratt	Zihlman
Dyer	Husted	Price	
Eagle	Johnson, S. Dak.	Ragsdale	
Emerson	Jones, Tex.	Rayburn	

The SPEAKER. On this call 342 Members have answered to their names, a quorum.

Mr. DOWELL. Mr. Speaker—

Mr. KITCHIN. Mr. Speaker, I move to suspend further proceedings under the call.

Mr. DOWELL. Mr. Speaker, I desire to make a motion.

The SPEAKER. You can not make a motion until you get rid of this.

Mr. DOWELL. All right.

The SPEAKER. The question is on the motion of the gentleman from North Carolina to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. DOWELL. I desire to make a motion. I move that we dispense with Calendar Wednesday to-day.

The SPEAKER. The gentleman from Iowa moves that we dispense with the business usually transacted on Calendar Wednesday to-day.

Mr. DOWELL. Mr. Speaker, in view of the fact that we have under consideration the railroad bill, which is not only important to both branches of Congress, but to the entire country, it would seem to me we ought to proceed as rapidly as possible to the consideration of that bill, and it is for this reason that I make the motion. I believe it should be concurred in by all Members of the House.

The SPEAKER. The gentleman has five minutes.

Mr. DOWELL. I reserve the balance of my time.

The SPEAKER. The gentleman from Iowa reserves four minutes.

Mr. KITCHIN. Mr. Speaker, I trust that the motion will not prevail. The chairman of the Committee on Interstate and Foreign Commerce has made no such request. It was understood by him and by the members of the committee that no such motion would be made. It is well known that that motion is not made to take up the railroad bill, but in order to defeat the Buchanan statue measure, which was before the House last

Wednesday. This bill, as I understand, if it is to become available at all, must be passed by March 1.

Mr. SLAYDEN. By July.

Mr. KITCHIN. I believe that the gentlemen who have charge of the Buchanan statue bill ought to have their day in court. Their day will be lost if it is dispensed with to-day, and they will get no more days until they get around the calendar again, and that will not be done again at this session.

Mr. WALSH. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. WALSH. Is it not a fact that the Director General of Railroads has sent a letter to Members of both branches, urging the passage of the railway legislation without any delay whatever?

Mr. KITCHIN. Yes; and this is not delaying it. Of course, that meant under the rules of the House and the general course of procedure here, and they knew that you could not bring in a rule to dispense with Calendar Wednesday for the purpose of considering the railroad bill. Calendar Wednesday must be dispensed with either by a two-thirds vote or by unanimous consent.

Mr. DOWELL. In reply to the gentleman from North Carolina I desire to say that there are many Members of the House who desire to discuss the railroad bill. Under the rules they are not able to secure the time they desire in which to discuss this measure. If Calendar Wednesday is dispensed with every opportunity can be given for those who desire to present their views upon this question and to give it careful consideration, and it does seem to me that it is not proper to dispense with the consideration of the railroad bill in order to take up other matters at this time. I know the gentleman from North Carolina [Mr. KITCHIN] has frequently come to the House with the request that Calendar Wednesday be dispensed with in order that important legislation might be considered. He has always received not only a majority, but usually unanimous consent that Calendar Wednesday be dispensed with for that purpose. I know of no more important legislation than that which is now pending before the House, and it should have immediate consideration. Mr. Speaker, I ask for the yeas and nays on the motion.

Mr. SLAYDEN. Mr. Speaker, I believe I am entitled to the three minutes remaining of the five.

The SPEAKER. Yes.

Mr. SLAYDEN. I want to say in reply to the gentleman from Iowa [Mr. DOWELL] that if he had been less eager to filibuster and try to defeat this bill than he is to advance the consideration of the railroad bill we would have been through with it in half the time he has consumed. Last Wednesday, as almost every Member of this House knows, we discussed this bill and advanced it to the stage where, after having concluded general debate, we might have had a vote on it; but some gentlemen suggested to me that it would be at least courteous and considerate of their feelings if a vote were not pressed, because some of them had an engagement to go to the White House. I believed then, and I believe the House knows, that we had votes enough on the floor at that time to have passed the bill, but out of consideration for the 15 gentlemen we did not press it.

One of the very eminent Members on that side of the House who voted against the consideration of this bill assured me that so far as he knew there would be no more filibustering against it. I know he would not have deceived me, and so he must have been mistaken or his followers are out of hand.

Now, Mr. Speaker, I am perfectly willing to have a vote on the measure at once, and the vote that the gentleman is demanding on his motion to postpone could be used to either pass or defeat the bill.

I submit, Mr. Speaker, for printing in the RECORD, a table that is a brief history of monuments heretofore erected in Washington by permission of the Congress. Nineteen of them were paid for out of the Public Treasury. Fifteen were provided by the joint contribution of citizens, or associations of citizens, and from the public moneys, while nine were provided for by citizens only.

Of the 15 that were paid for by joint public and private contributions some are memorials to very distinguished characters. Among them are Garfield, Andrew Jackson, Abraham Lincoln, John Witherspoon, Gen. W. T. Sherman, George Washington, and Frederick the Great. The last was given by the Emperor of Germany, and the pedestal paid for by appropriation out of the Treasury of the United States.

Among the nine memorials paid for wholly by private citizens we find represented the names of the following great men: Lincoln, Albert Pike, Kosciuszko, Benjamin Franklin, and Dr. Samuel Gross.

Statues in the public grounds, District of Columbia.

Status.	Description.	Location.	Date unveiled.	Remarks.
Du Pont, Admiral.....	Standing.....	Dupont Circle; Massachusetts and Connecticut Avenues, Nineteenth and P Streets NW.	Dec. 20, 1884	Cost of statue and pedestal, \$20,500. Appropriated by Congress as follows: Act of Mar. 3, 1881, \$10,500; act of Feb. 25, 1882, \$10,000.
Daguerre, L. J. M.....	do.....	Smithsonian Grounds.....	Set in position in April, 1897. ¹	Presented to the Government by the Photographic Association of America; unveiled in National Museum Aug. 15, 1890.
Farragut, Admiral.....	do.....	Farragut Square; Seventeenth and K Streets NW.	Apr. 25, 1881	Cost of statue, \$20,000. Appropriated by Congress, act of Apr. 16, 1872.
Greene, Gen. Nathaniel.....	Equestrian.....	Stanton Park; Massachusetts and Maryland Avenues, Fifth and C Streets NE.	Turned over to the Government informally in 1877.	Appropriated by Congress: For statue act June 24, 1874, \$40,000; for pedestal, act Mar. 3, 1875, \$10,000.
Garfield, President.....	Standing.....	First Street and Maryland Avenue N. W.	May 12, 1887	Appropriated by Congress; \$7,500 for statue, act of Mar. 11, 1882; \$30,000 for pedestal, act of July 7, 1884; subscribed by the Society of the Army of the Cumberland for statue, \$25,000.
Gross, Dr. Samuel D.....	do.....	Smithsonian Grounds.....	May 5, 1897	Presented by physicians and surgeons of the United States; act of Congress, Mar. 2, 1895, authorized its erection in public grounds and appropriated \$1,500 for a pedestal.
Henry, Prof. Joseph.....	do.....	do.....	Apr. 19, 1882	Cost of statue and pedestal, \$15,000; appropriated by Congress June 1, 1880.
Hancock, Gen. Winfield Scott.....	Equestrian.....	Hancock Place; Seventh Street and Pennsylvania Avenue N. W.	May 12, 1896	For statue and pedestal, act of Mar. 3, 1891, \$10,000.
Hahnemann, Dr. Samuel.....	Sitting.....	East of Scott Circle, Massachusetts and Rhode Island Avenues and N Street NW., between Fifteenth and Sixteenth Streets.	June 21, 1900	Erected by the American Institute of Homeopathy. Act of Congress, Jan. 31, 1901, authorized its erection in public grounds and appropriated \$4,000 for a foundation.
Jackson, Gen. Andrew.....	Equestrian.....	Center of Lafayette Park.....	Jan. 8, 1853	Cost of statue, \$32,000; act of Congress, Mar. 3, 1853, appropriated \$20,000 of the amount, and \$12,000 was paid by the Jackson Democratic Association of Washington, D. C. Cost of pedestal, \$8,000. Appropriated by Congress, acts of Aug. 31, 1852, and Mar. 3, 1853.
Logan, Gen. John A.....	do.....	Iowa Circle, Vermont and Rhode Island Avenues, and Thirteenth and P Streets NW.	Apr. 9, 1901	Cost of statue and pedestal, \$65,000; \$50,000 appropriated by Congress, acts of Mar. 2 and 3, 1889; \$15,000 paid by Society of the Army of the Tennessee.
Lafayette, Gen., and compatriots.....	Standing.....	Southeast corner of Lafayette Park.....	Completed in April, 1891. No ceremonies.	Cost of statue and pedestal, \$50,000; appropriated by Congress, act of Mar. 3, 1885.
Lincoln, President.....	Standing column.....	In front of United States courthouse, Judiciary Square.	About 1869...	Erected by popular subscription by citizens of the District of Columbia.
Do.....	Sitting.....	Lincoln Park, East Capitol and Eleventh and Thirteenth Streets.	Apr. 14, 1876	Erected by the emancipated citizens of the United States, who subscribed \$18,000 for the statue. Its erection in public grounds authorized by act of Congress June 23, 1874, which also appropriated \$3,000 for a pedestal for the statue.
McPherson, Maj. Gen. James B.....	Equestrian.....	McPherson Square, Vermont Avenue, Fifteenth and K Streets NW.	Oct. 18, 1876	Cost of statue, \$23,500, paid by Society of the Army of the Tennessee. Cost of pedestal, \$25,000, appropriated by Congress, act of Mar. 3, 1875.
Pike, Gen. Albert.....	Standing.....	Indiana Avenue, Third and D Streets NW.	Oct. 23, 1901	Erected by the Masonic Fraternity of the United States. Act of Congress, Apr. 9, 1898, authorized its erection in public grounds, and states its cost shall not be less than \$10,000.
Rochambeau.....	do.....	Southwest corner Lafayette Park.....	May 24, 1902	Cost of statue and pedestal, \$22,500; appropriated by Congress, act of Mar. 3, 1901, \$7,500; act of Feb. 14, 1902, \$15,000.
Rawlins, Gen. John A.....	do.....	South of Pennsylvania Avenue, between Eighth and Ninth Streets NW. ²	Completed in November, 1874. (No formal ceremonies.)	Act of Congress June 10, 1872, appropriated \$10,000 for statue and act of June 22, 1874, appropriated \$3,000 for pedestal, which last act authorized its erection in Rawlins Square.
Scott, Gen. Winfield.....	Equestrian.....	Scott Circle, Massachusetts and Rhode Island Avenues, Sixteenth and N Streets NW.	Turned over to the Government informally in 1874.	Appropriated by Congress for a statue, Mar. 2, 1867, \$20,000; July 15, 1870, \$15,000; for pedestal, July 10, 1872, \$12,000.
Thomas, Maj. Gen. George H.....	do.....	Thomas Circle, Massachusetts and Vermont Avenues, Fourteenth and M Streets NW.	Nov. 19, 1879	Cost of statue, \$35,000, paid by the Society of the Army of the Cumberland. Cost of pedestal, \$25,000. Appropriation by Congress, act of July 31, 1876.
Washington, Gen.....	do.....	Washington Circle, Pennsylvania Avenue, Twenty-third and K Streets NW.	Cost of statue and pedestal, \$50,000; appropriated by Congress, act of Mar. 3, 1853.
Barry, Commodore John.....	A granite pedestal surmounted by a pedestrian figure in bronze of Commodore Barry.	Fourteenth Street side of Franklin Park between I and K Streets NW.	May 16, 1914	Act of June 8, 1906, provided the sum of \$50,000 for the construction and erection of this statue.
Columbus, Christopher.....	Memorial fountain with standing figure of Columbus on prow of ship.	Union Station Plaza.....	June 8, 1912	Act of Mar. 4, 1907, appropriated \$100,000 for this memorial.
Stephenson, Franklin B., Grand Army Memorial.....	Granite shaft with 2 bronze figures, soldier and sailor, and bronze medallion of Stephenson.	United States Reservation 36a, Louisiana Avenue, Seventh and C Streets NW.	July 3, 1908	Public resolution of Mar. 4, 1907, appropriated \$10,000 for the preparation of a site and the erection of a pedestal for this memorial which was presented by the Grand Army of the Republic.
Grant, Gen. Ulysses S.....	A long terrace of marble with the equestrian statue of Gen. Grant in the center. On one end of this terrace there will be an artillery group; on the other a cavalry group. Surrounding the equestrian statue are 4 bronze lions.	Located in the east end of Botanic Garden Grounds at First Street west, between Pennsylvania and Maryland Avenues.	(Not completed. In contemplation.)	Authorized by act of Congress June 28, 1902, which limits the cost to \$240,000. The act of Feb. 23, 1901, provided \$10,000 for procuring designs for the memorial. All the architectural work, the bronze artillery group, and the 4 bronze lions are in position. There remains to complete this memorial the bronze cavalry group, the bronze equestrian statue of Gen. Grant, and the 2 bas-reliefs for the central pedestal.
Jones, John Paul.....	Standing.....	Potomac Park, at foot of Seventeenth Street Driveway.	Apr. 17, 1912	Act of June 8, 1906, appropriated \$50,000 for the statue and pedestal.
Kosciuszko, Gen. Thaddeus.....	do.....	On the northeast corner of Lafayette Square.	May 11, 1910	Presented by the Polish-American organizations and people in United States. Its acceptance and erection in Lafayette Park authorized by joint resolution of Apr. 18, 1904.
Longfellow, Henry Wadsworth.....	Sitting.....	U. S. Reservation 150, Connecticut Avenue, Eighteenth and M Streets NW.	May 15, 1909	Joint resolution of June 8, 1906, appropriated \$4,000 for preparation of a site and erection of the pedestal for this statue which was provided by the Longfellow National Memorial Association.

¹ The statue of Daguerre was removed from the National Museum and set up in the Smithsonian Grounds under permission granted by the officer in charge of Public Buildings and Grounds, Apr. 12, 1897.

² The statue of Gen. Rawlins was originally located in Rawlins Square on New York Avenue, between Eighteenth and Nineteenth Streets. By act of Congress, May 17, 1886, \$500 was appropriated for its removal to the present location.

Statues in the public grounds, District of Columbia—Continued.

Statue.	Description.	Location.	Date unveiled.	Remarks.
Lincoln, Abraham (memorial to).		West Potomac Park.....	(Not completed.)	Authorized by act of Congress approved February 9, 1911, amount appropriated for securing designs, \$50,000. Amount appropriated for construction, \$2,594,000.
McClellan, Gen. Geo. B.....	Equestrian.....	U. S. Reservation 150a, Connecticut Avenue, Eighteenth and N Streets NW.	May 7, 1907	Authorized by act of Mar. 3, 1901, \$50,000.
Pulaski, Gen. Count.....	do.....	U. S. Reservation 33, Pennsylvania Avenue, Thirteenth and E Streets NW.	May 11, 1910	Act of February 27, 1903, \$50,000 for statue and pedestal.
Peace or "Naval" Monument.	Standing.....	Pennsylvania Avenue and First Street NW.	Unknown....	Sundry civil act approved July 31, 1876, appropriated the sum of \$20,000 for completing the statue of "Peace" and provided for the selection of a site on the public grounds in the city of Washington for the erection of the statue. It is understood that part of the cost of this statue was defrayed by private subscription.
Steuben, Baron von.....	do.....	On the northwest corner of Lafayette Square.	Dec. 7, 1910	Act of Feb. 27, 1903, \$50,000 for statue and pedestal.
Sheridan, Gen. Philip H.....	Equestrian.....	Sheridan Circle, Massachusetts Avenue and Twenty-third Street, between P and Q Streets NW.	Nov. 25, 1903	Act of Mar. 2, 1899, \$40,000; act of Mar. 3 1891, \$10,000 for statue and pedestal.
Sherman, Gen. Wm. T.....	do.....	Sherman Plaza, south of United States Treasury Building.	Oct. 15, 1903	Appropriated by act of July 3, 1892, \$50,000; appropriated by act of Mar. 2, 1895, \$30,000; subscribed by the Army of the Tennessee for statue, \$11,000. Additional amounts, aggregating \$40,055.05, have since been appropriated for sub-foundation, mosaic work, granite curb, improvements of grounds, etc.
Witherspoon, John.....	Standing.....	United States Reservation 150a, Connecticut Avenue, Eighteenth and N Streets NW.	May 20, 1909	Public Resolution of May 23, 1908, appropriated \$4,000 for the preparation of a site and the erection of the pedestal for this statue, which was provided by the Witherspoon Memorial Association.
Webster, Daniel.....	do.....	West of Scott Circle; Massachusetts and Rhode Island Avenues and N Street NW., between Sixteenth and Seventeenth Streets.	Jan. 18, 1900	Presented by Mr. Stilson Hutchins to United States. Act of Congress, July 1, 1893, authorized its erection in public grounds and appropriated \$4,000 for a pedestal for same.
Bartholdi.....	Fountain.....	Botanic Garden.....	About 1877....	The fountain was first at the Philadelphia Exposition, and was sold to the Government by the sculptor. Cost to the Government not known.
Frederick II, of Germany, surnamed "The Great."	Standing.....	Army War College.....	Nov. 19, 1904	The statue was a gift of the German Kaiser to the United States, in appreciation of courtesies extended Prince Henry of Prussia during the latter's visit to this country in 1902. The pedestal was furnished by the United States. Act of Apr. 28, 1901.
Franklin, Benjamin.....	do.....	Old Times Square, Pennsylvania Avenue and Tenth Street.	Erected Jan. 17, 1889, without dedication.	Given to the city by Stilson Hutchins, a citizen of Washington, D. C.
McMillan memorial.....	Fountain.....	McMillan Park.....		Presented to the United States by citizens of Michigan. Cost of fountain, \$25,000; appropriated, \$15,000. Act June 25, 1910.
Millet-Butt memorial.....	do.....	South of White House Grounds at northwest junction of the road around those grounds with the road around the ellipse.		Erected by friends of Francis Davis Millet and Archibald Wallingham Butt, at a cost of \$5,000. The sculptor and architect donated their services. Act Aug. 24, 1912.
Rush, Benjamin.....	Standing.....	Naval Hospital Grounds.....		
Shepherd, Alexander R.....	do.....	In front of Municipal Building.....	May 3, 1909	Cost \$10,192.67; defrayed by public subscription in the city of Washington, D. C.
Washington Monument.....	Pyramidal shaft.....	The Mall.....		Cost \$1,300,000. Construction started by Washington National Monument Society and taken up in 1876 and concluded by United States Government.

Mr. Speaker, I have a little time remaining, and I yield to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to the alien conscription bill reported by the committee.

The SPEAKER. The gentleman from Illinois [Mr. MASON] asks unanimous consent to extend his remarks in the RECORD on the alien-slacker bill. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, has not the gentleman already obtained permission for that?

Mr. MASON. I thought I had, but I am not sure, and I wish to be sure, and it does not take any time to give this consent now.

The SPEAKER. Is there objection?

Mr. SHOUSE. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kansas objects. The question is on the motion of the gentleman from Iowa [Mr. DOWELL] to dispense with Calendar Wednesday.

Mr. DOWELL. On which I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of dispensing with Calendar Wednesday will, when their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 228, answered "present" 2, not voting 80, as follows:

YEAS—118.

Anderson	Cooper, W. Va.	Dempsey	Elston
Ayres	Cooper, Wis.	Denison	Fairchild, B. L.
Bland	Cramton	Doolittle	Fairfield
Bowers	Currie, Mich.	Dowell	Fordney
Browne	Dale, Vt.	Dunn	Foss
Burroughs	Davidson	Elliott	Francis
Campbell, Kans.	Davis	Ellsworth	Frear

Freeman
French
Fuller, Ill.
Gillett
Good
Goodall
Graham, Ill.
Green, Iowa
Greene, Mass.
Hadley
Hamilton, N. Y.
Hamlin
Hawley
Helvering
Hersey
Hicks
Hull, Iowa
Ireland
James
Johnson, Wash.
Juul
Kahn
Kearns

Kelly, Pa.
Kennedy, Iowa
King
Knutson
Kraus
La Follette
Lehlbach
Lenroot
Little
Lobeck
Longworth
Lufkin
Lundeen
McArthur
McKenzie
McLaughlin, Mich.
Madden
Mapes
Meeker
Merritt
Mondell
Moore, Ind.
Morgan

Mott
Nelson
Nichols, Mich.
Paige
Parker, N. Y.
Platt
Purnell
Ramsey
Randall
Rankin
Reavis
Reed
Roberts
Rogers
Sanders, Ind.
Sanders, N. Y.
Sanford
Scott, Mich.
Sinnott
Sloan
Smith, Idaho
Snell
Snyder

Stafford
Sterling, Ill.
Stiness
Sweet
Switzer
Temple
Tilson
Timberlake
Tinkham
Towner
Vestal
Volgt
Volstead
Waldow
Walsh
Wason
Wheeler
White, Me.
Williams
Wood, Ind.
Woods, Iowa

NAYS—228.

Browning	Chandler, Okla.	Denton
Brumbaugh	Clark, Fla.	Dewalt
Buchanan	Clark, Pa.	Dickinson
Burnett	Claypool	Dill
Butler	Collier	Dillon
Byrnes, S. C.	Connally, Tex.	Dixon
Byrns, Tenn.	Connolly, Kans.	Dominick
Caldwell	Cooper, Ohio	Doremus
Campbell, Pa.	Copley	Doughton
Cannon	Cox	Drane
Cantrill	Crago	Dupré
Caraway	Crisp	Eagan
Carew	Crosser	Edmondson
Carlin	Dale, N. Y.	Esch
Carter, Mass.	Darrow	Estopinal
Carter, Okla.	Decker	Evans
Cary	Dent	Farr

Press	Kiess, Pa.	Overstreet	Smith, C. B.
Fields	Kincheloe	Padgett	Smith, T. F.
Fisher	Kinkaid	Park	Snook
Poster	Kitchin	Parker, N. J.	Stegall
Gallagher	Kreider	Peters	Steele
Gallivan	Langley	Phelan	Steenerson
Gandy	Larsen	Polk	Stephens, Miss.
Gard	Lazaro	Pou	Stephens, Nebr.
Garner	Lea, Cal.	Powers	Sterling, Pa.
Garrett, Tenn.	Lee, Ga.	Price	Stevenson
Garrett, Tex.	Leshner	Quin	Strong
Glass	Lever	Rainey	Swift
Glynn	Linthicum	Raker	Tague
Goodwin, Ark.	Littlepage	Ramseyer	Talbot
Gordon	London	Rayburn	Taylor, Ark.
Griest	Loneragan	Robbins	Taylor, Colo.
Hamill	Lunn	Robinson	Thomas
Hamilton, Mich.	McAndrews	Romjue	Thompson
Hardy	McClintic	Rose	Tillman
Harrison, Va.	McFadden	Rouse	Van Dyke
Hastings	McKeown	Rowe	Venable
Hausen	McKinley	Rubey	Vinson
Hayden	McLemore	Rucker	Walton
Hayes	Mansfield	Russell	Watkins
Heaton	Mason	Sabath	Watson, Pa.
Heflin	May	Saunders, Va.	Watson, Va.
Helm	Montague	Schall	Weaver
Hilliard	Moon	Scott, Pa.	Webb
Houston	Moore, Pa.	Sears	Wellington
Huddleston	Morin	Sells	Welty
Hull, Tenn.	Muld	Shackelford	Whaley
Humphreys	Neely	Shallenberger	White, Ohio
Hutchinson	Nolan	Sherley	Wilson, Tex.
Igoe	Norton	Sherwood	Wingo
Jacoway	Oldfield	Shouse	Wise
Johnson, Ky.	Oliver, N. Y.	Siegel	Woodyard
Jones, Va.	Olney	Sisson	Wright
Keating	Osborne	Slayden	Young, N. Dak.
Kennedy, R. I.	O'Shaunessy	Small	Young, Tex.
Key, Ohio	Overmyer	Smith, Mich.	Zihlman

ANSWERED "PRESENT"—2.

Gray, N. J. Treadway

NOT VOTING—80.

Anthony	Fairchild, G. W.	Howard	Pratt
Blackmon	Ferris	Husted	Ragsdale
Booher	Flood	Johnson, S. Dak.	Riordan
Borland	Flynn	Jones, Tex.	Rodenberg
Britten	Focht	Kehoe	Rowland
Candler, Miss.	Fuller, Mass.	Kelley, Mich.	Sanders, La.
Candstick	Garland	Kettner	Scott, Iowa
Chandler, N. Y.	Godwin, N. C.	LaGuardia	Scully
Church	Gould	McCormick	Sims
Classon	Graham, Pa.	McCulloch	Slemp
Coady	Gray, Ala.	McLaughlin, Pa.	Stedman
Costello	Greene, Vt.	Magee	Sullivan
Curry, Cal.	Gregg	Maher	Summers
Dallinger	Harrison, Miss.	Mann	Templeton
Dies	Haskell	Martin	Vare
Dooling	Heintz	Miller, Minn.	Walker
Drukker	Hensley	Miller, Wash.	Ward
Dyer	Holland	Nicholls, S. C.	Wilson, Ill.
Eagle	Hollingsworth	Oliver, Ala.	Wilson, La.
Emerson	Hood	Porter	Winslow

So, two-thirds not having voted in favor thereof, the motion to dispense with the business of Calendar Wednesday was rejected.

The following pairs were announced:

Until further notice:

Mr. FLYNN with Mr. BRITTEN.
 Mr. SCULLY with Mr. ANTHONY.
 Mr. FERRIS with Mr. FULLER of Massachusetts.
 Mr. STEDMAN with Mr. GREENE of Vermont.
 Mr. OLIVER with Mr. GEORGE W. FAIRCHILD.
 Mr. BLACKMON with Mr. HOLLINGSWORTH.
 Mr. BOOHER with Mr. TREADWAY.
 Mr. DIES with Mr. CHANDLER of New York.
 Mr. DOOLING with Mr. DYER.
 Mr. EAGLE with Mr. EMERSON.
 Mr. BORLAND with Mr. FOCHT.
 Mr. COADY with Mr. GARLAND.
 Mr. FLOOD with Mr. GOULD.
 Mr. GODWIN of North Carolina with Mr. GRAHAM of Pennsylvania.
 Mr. GREGG with Mr. HUSTED.
 Mr. HARRISON of Mississippi with Mr. KELLEY of Michigan.
 Mr. HENSLEY with Mr. COSTELLO.
 Mr. HOLLAND with Mr. DALLINGER.
 Mr. HOOD with Mr. McCULLOCH.
 Mr. HOWARD with Mr. McLAUGHLIN of Pennsylvania.
 Mr. JONES of Texas with Mr. MILLER of Minnesota.
 Mr. KEHOE with Mr. PRATT.
 Mr. KETTNER with Mr. RODENBERG.
 Mr. MAHER with Mr. ROWLAND.
 Mr. MARTIN with Mr. SLEMP.
 Mr. NICHOLLS of South Carolina with Mr. TEMPLETON.
 Mr. RAGSDALE with Mr. MCCORMICK.
 Mr. RIORDAN with Mr. WILSON of Illinois.
 Mr. SANDERS of Louisiana with Mr. WINSLOW.
 Mr. SIMS with Mr. MILLER of Washington.

Mr. SULLIVAN with Mr. PORTER.
 Mr. SUMNERS with Mr. HASKELL.
 Mr. WALKER with Mr. DRUKKER.
 Mr. WILSON of Louisiana with Mr. WARD.
 Mr. MAGEE (for dispensing with Calendar Wednesday) with Mr. CANDLER of Mississippi (against).
 Mr. TREADWAY (for dispensing with Calendar Wednesday) with Mr. BOOHER (against).
 Mr. TREADWAY. Mr. Speaker, I would like to inquire if the gentleman from Missouri, Mr. BOOHER, has voted.
 The SPEAKER. He has not.
 Mr. TREADWAY. I voted "no." I am paired with the gentleman from Missouri, and would like to withdraw that vote and answer "present."
 The Clerk called the name of Mr. TREADWAY, and he answered "Present," as above recorded.
 The result of the vote was then announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. McLAUGHLIN of Pennsylvania, for the balance of the week, on account of illness; and

To Mr. STEDMAN, for one week, on account of death in the family.

STATUE OF JAMES BUCHANAN.

Mr. WALSH. Mr. Speaker—
 The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to raise the question of consideration.
 Mr. SLAYDEN. Mr. Speaker, I suggest that that motion is dilatory.

The SPEAKER. No; a Member has the right to raise the question of consideration.

Mr. SLAYDEN. It is palpably dilatory.

The SPEAKER. Perhaps the gentleman is correct. This is Calendar Wednesday, and the unfinished business of the House is House joint resolution 70, "Authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States," and the gentleman from Massachusetts raises the question of consideration.

The question was taken; and on a division (demanded by Mr. Walsh) there were 136 ayes and 52 noes.

Mr. STAFFORD. Mr. Speaker, I make the point of order that no quorum voted on this question.

The SPEAKER. The Chair overrules the point of order because the roll call just demonstrated that a quorum is present.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays.

The question was taken, and 32 Members rose in favor thereof.

Mr. STAFFORD. Mr. Speaker, I ask for the other side.

The other side was taken, and 142 Members rose.
 The SPEAKER. The yeas are 38 and the noes 142—not a sufficient number; and the House automatically resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Kentucky [Mr. SHERLEY] will take the chair temporarily until the gentleman from Kentucky [Mr. JOHNSON] appears.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERLEY in the chair.

The CHAIRMAN. The Clerk will report the resolution by title.

The Clerk reported the title of the resolution.

The CHAIRMAN. General debate having been concluded, the Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW.: Provided, That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.

Mr. SLAYDEN. Mr. Chairman, the gentleman from Iowa [Mr. DOWELL] was so exceedingly anxious that no time be consumed in the consideration of this resolution, and being supported in his anxiety to get through to-day's work so that we might go to the consideration of the railroad bill, I desire to say that, if it is agreeable here, I am willing to take a vote now upon this measure. [Applause and cries of "Vote!"]

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. GILLETT. Would that facilitate the taking up of the railroad bill at all?

Mr. SLAYDEN. Oh, yes; I fancy it would, just as much as it would have facilitated it an hour ago when the gentleman began to filibuster.

Mr. GILLETT. Oh, no. If we had dispensed with business in order on Calendar Wednesday, then we could have taken that up.

Mr. SLAYDEN. Mr. Chairman, this is the first time I have ever known so experienced and clever a man as the gentleman from Massachusetts to discuss a dead and gone issue. Calendar Wednesday has not been dispensed with.

Mr. GILLETT. To finish this bill would simply be to bring up another bill that is in order on Calendar Wednesday?

Mr. SLAYDEN. Yes.

Mr. GILLETT. We could not take up the railroad bill.

Mr. SLAYDEN. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion that I desire to offer.

Mr. SLAYDEN. Because the gentleman from Wisconsin [Mr. STAFFORD] is in the way, and we all know what a help he is to hasty legislation. [Laughter.]

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin desires to offer a preferential motion.

Mr. STAFFORD. I desire recognition to offer an amendment.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise and report the resolution with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion that I desire to offer. I rise to a question of order.

Mr. SLAYDEN. I move the previous question on my motion.

The CHAIRMAN. The gentleman can not move the previous question in the Committee of the Whole.

Mr. STAFFORD. Mr. Chairman, I demand recognition to offer an amendment to the resolution.

The CHAIRMAN. The gentleman will submit his amendment.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. BUTLER. Mr. Chairman, what has become of the motion of the gentleman from Texas [Mr. SLAYDEN]?

The CHAIRMAN. The gentleman from Wisconsin claims to have a preferential motion, and the Chair is trying to determine whether it is preferential.

Mr. BUTLER. I merely wanted to suggest to the Chair that the motion to rise is a preferential motion.

The CHAIRMAN. The Chair can not tell until he knows what the gentleman from Wisconsin is offering. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 1, line 7, after the words "United States," strike out all of the remainder of the paragraph down to the proviso and insert "on one of the public reservations generally known as small-park areas, and which is entirely surrounded by streets in the city of Washington, D. C., to be selected by the officer in charge of public buildings and grounds and the Commission of Fine Arts."

The CHAIRMAN. The Chair is prepared to rule, but will hear the gentleman from Wisconsin, if he desires to be heard, as to his motion being a preferential motion.

Mr. STAFFORD. Mr. Chairman, I have not at my finger's end the authorities, but I am quite certain that there are any number of precedents which hold that a motion that the committee do now rise and report a bill is not in order as long as any Member is claiming recognition to offer an amendment to perfect the bill that is being considered in Committee of the Whole. That has been the invariable rule for years in Committee of the Whole. I have never known it to be invaded at any time. Whenever a bill is being considered for amendment in Committee of the Whole a motion to rise and report the bill is not in order when Members are claiming recognition to offer an amendment. This is not a mere pro forma amendment, but is an amendment to the resolution that is in order, and accordingly I ask recognition for that purpose.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. STAFFORD. Yes.

Mr. SAUNDERS of Virginia. If that contention is well taken, how would you ever get out of Committee of the Whole, as long as there was some one who wanted to offer a motion to amend?

Mr. STAFFORD. Whenever a legitimate motion is made to amend the bill the person offering it is entitled to recognition. The rules of the House are predicated upon the idea that when a bill is referred to Committee of the Whole any germane amendment may be offered to the bill, and opportunity must be given to Members to offer that amendment. This amendment is germane, and I ask recognition on that ground.

Mr. SAUNDERS of Virginia. Every amendment that is in order from the parliamentary point of view is a legitimate amendment, so as long as you offered an amendment to a bill that was in order you could never get out of Committee of the Whole.

Mr. BUTLER. Mr. Chairman, I certainly understood that the Chair had already recognized the gentleman from Texas—

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Kansas can not take the gentleman from Pennsylvania off his feet to make a parliamentary inquiry. The gentleman from Pennsylvania is in order.

Mr. LITTLE. I did not notice that the gentleman from Pennsylvania was on his feet. [Laughter.]

Mr. BUTLER. I guess I am not very large, but I am willing to wait until the gentleman from Kansas gets through. I understood that the Chair had recognized the gentleman from Texas to move that the committee should rise before the gentleman from Wisconsin had recognition to amend the resolution. If that is so, all the other amounts to nothing.

The CHAIRMAN. Does the gentleman from Kansas desire to submit a parliamentary inquiry?

Mr. LITTLE. My inquiry was whether this bill has been read or not.

The CHAIRMAN. It has been read.

Mr. LITTLE. It has been read in the Committee of the Whole House on the state of the Union?

The CHAIRMAN. Yes. The Chair is ready to rule. There is one fundamental rule that underlies nearly all parliamentary law, and that is that the committee should have the right to dispose of matters most expeditiously. The committee is denied no right by giving preference to the motion of the gentleman from Texas, because if the committee desires to amend the bill rather than report it in its present form, it can do that by denying the motion of the gentleman from Texas. The Chair holds that the motion of the gentleman from Texas is in order, and puts the question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. STAFFORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers [Mr. SLAYDEN and Mr. STAFFORD] reported that there were—ayes 132, noes 43. So the motion to rise was agreed to.

Mr. GRIEST. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIEST. Is it in order to ask for permission to extend remarks at this time?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks upon this resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBBINS. Mr. Chairman, as debate has been shut off I ask permission to extend my remarks on this same resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I ask permission to extend my remarks upon this resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I ask that privilege for the gentleman from Ohio [Mr. SHERWOOD], who is not present and who desires to extend his remarks.

Mr. WALSH. I object to that, Mr. Chairman.

Mr. GORDON. Mr. Chairman, I ask leave to extend my remarks on this resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. WALSH. I thought the gentleman from Texas asked for general permission to extend remarks.

Mr. SLAYDEN. No; I asked for the gentleman from Ohio [Mr. SHERWOOD].

The committee rose; and the Speaker having resumed the chair, the Chairman [Mr. SHERLEY] reported that the committee having had under consideration House joint resolution 70,

had directed him to report the same to the House with the recommendation that it do pass.

Mr. SLAYDEN. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading.

The question was taken, and the Speaker announced that the ayes had it.

Mr. WALSH. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 143, noes 44.

Mr. MADDEN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirteen Members are present, not a quorum.

Mr. CALDWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALDWELL. There are six vacancies in the House, do they count—

The SPEAKER. But there are only 213 Members here, and you could not count a quorum if you counted the whole crowd that is missing or out. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken, and there were—ayes 217, nays, 119, answered "present" 4, not voting 88, as follows:

YEAS—217.

Alexander	Drane	Lee, Ga.	Saunders, Va.
Almon	Dupré	Lesber	Schall
Ashbrook	Eagan	Lever	Scott, Pa.
Aswell	Edmonds	Linthicum	Sears
Bacharach	Evans	Littlepage	Sells
Bankhead	Fess	London	Shackleford
Barkley	Fisher	Loneragan	Shallenberger
Barnhart	Flood	Lunn	Sherley
Bel	Foster	McAndrews	Sherwood
Beshlin	Francis	McClintic	Shouse
Black	Fuller, Ill.	McFadden	Siegel
Blanton	Gallagher	McKeown	Sims
Borland	Gallivan	McKinley	Slason
Brand	Gard	McLemore	Slayden
Brodbeck	Garner	Mansfield	Small
Browning	Garrett, Tenn.	Martin	Smith, C. B.
Brumbaugh	Garrett, Tex.	Mason	Smith, T. F.
Buchanan	Glass	Mays	Snook
Burnett	Goodwin, Ark.	Montague	Steagal
Butler	Gordon	Moon	Steele
Byrnes, S. C.	Griest	Moore, Pa.	Stephens, Miss.
Byrns, Tenn.	Hamill	Morin	Stephens, Nebr.
Caldwell	Hamlin	Mudd	Sterling, Ill.
Campbell, Pa.	Hardy	Neely	Sterling, Pa.
Cannon	Harrison, Miss.	Nelson	Strong
Cantrill	Harrison, Va.	Nolan	Swift
Caraway	Hastings	Norton	Tague
Carew	Hayden	Oldfield	Talbot
Carlin	Hayes	Oliver, N. Y.	Taylor, Ark.
Carter, Okla.	Heaton	Olney	Taylor, Colo.
Church	Heflin	Osborne	Thomas
Clark, Fla.	Helm	O'Shaunessy	Thompson
Clark, Pa.	Helvering	Overmyer	Tillman
Claypool	Hensley	Overstreet	Van Dyke
Collier	Hicks	Padgett	Venable
Connally, Tex.	Hilliard	Park	Vinson
Connolly, Kans.	Houston	Parker, N. J.	Walton
Copley	Huddleston	Peters	Watkins
Cox	Hull, Tenn.	Polk	Watson, Va.
Crago	Humphreys	Pou	Weaver
Crisp	Hutchinson	Price	Webb
Crosser	Igoe	Quin	Welling
Dale, N. Y.	Jacoway	Raker	Welty
Darrow	Johnson, Ky.	Randall	Whaley
Davis	Jones, Va.	Rayburn	White, Ohio
Decker	Keating	Robbins	Wilson, La.
Dent	Kennedy, R. I.	Robinson	Wilson, Tex.
Denton	Key, Ohio	Romjue	Wingo
Dewalt	Kiess, Pa.	Rose	Wise
Dickinson	Kincheloe	Rouse	Wright
Dill	Kitchin	Rowe	Young, Tex.
Dixon	Kreider	Rubey	Zihlman
Dominick	Larsen	Rucker	
Doolittle	Lazaro	Russell	
Doughton	Lea, Cal.	Sabath	

NAYS—119.

Anderson	Denison	Green, Iowa	Lufkin
Anthony	Dillon	Hadley	Lundeen
Austin	Dowell	Hamilton, Mich.	McArthur
Baer	Elliott	Haugen	McKenzie
Bland	Ellsworth	Hawley	McLaughlin, Mich.
Bowers	Elston	Hersey	Madden
Browne	Esch	Ireland	Mapes
Burroughs	Fairchild, B. L.	James	Meeker
Campbell, Kans.	Fairfield	Jaul	Merritt
Carter, Mass.	Farr	Kearns	Moore, Ind.
Cary	Focht	Kennedy, Iowa	Morgan
Chandler, Okla.	Fordney	King	Nichols, Mich.
Classon	Foss	Kinkaid	Paige
Cooper, Ohio	Frear	Knutson	Parker, N. Y.
Cooper, W. Va.	Freeman	Kraus	Platt
Cooper, Wis.	French	La Follette	Powers
Cramton	Gillett	Leibach	Pratt
Currie, Mich.	Glynn	Lenroot	Purnell
Dale, Vt.	Good	Little	Ramsey
Davidson	Gould	Lobeck	Ramseyer
Dempsey	Graham, Ill.	Longworth	Rankin

Reavis	Smith, Idaho	Tilson	Wheeler
Reed	Smith, Mich.	Timberlake	White, Me.
Rogers	Snell	Towner	Williams
Sanders, Ind.	Snyder	Vestal	Wilson, Ill.
Sanders, N. Y.	Stafford	Voigt	Wood, Ind.
Sanford	Steenerson	Volstead	Woods, Iowa
Scott, Mich.	Stiness	Waldow	Woodward
Sinnot	Sweet	Walsh	Young, N. Dak.
Sloan	Temple	Wason	

ANSWERED "PRESENT"—4.

Graham, Pa.	Gray, N. J.	Langley	Treadway
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NOT VOTING—88.

Ayres	Ferris	Johnson, Wash.	Ragsdale
Beakes	Fields	Jones, Tex.	Rainey
Blackmon	Flynn	Kahn	Riordan
Booher	Fuller, Mass.	Kehoe	Roberts
Britten	Gandy	Kelley, Mich.	Rodenberg
Candler, Miss.	Garland	Kelly, Pa.	Rowland
Capstick	Godwin, N. C.	Kettner	Sanders, La.
Chandler, N. Y.	Goodall	LaGuardia	Scott, Iowa
Coady	Gray, Ala.	McCormick	Scully
Costello	Greene, Mass.	McClough	Slemp
Curry, Cal.	Greene, Vt.	McLaughlin, Pa.	Stedman
Dallinger	Gregg	Magee	Stevenson
Dies	Hamilton, N. Y.	Maher	Sullivan
Dooling	Haskell	Mann	Summers
Doremus	Heintz	Miller, Minn.	Switzer
Drukner	Holland	Miller, Wash.	Templeton
Dunn	Hollingsworth	Mondell	Tinkham
Dyer	Hood	Mott	Vare
Eagle	Howard	Nicholls, S. C.	Walker
Emerson	Hull, Iowa	Oliver, Ala.	Ward
Estopinal	Husted	Phelan	Watson, Pa.
Fairchild, G. W.	Johnson, S. Dak.	Porter	Winslow

So the joint resolution was ordered to be engrossed and read a third time.

The Clerk announced the following additional pairs:

On this vote:

Mr. ESTOPINAL (for) with Mr. EMERSON (against).

Mr. BOOHER (for) with Mr. TREADWAY (against).

Mr. STEVENSON (for) with Mr. GREENE of Vermont (against).

Mr. HOLLAND (for) with Mr. FULLER of Massachusetts (against).

Mr. CANDLER of Mississippi (for) with Mr. MAGEE (against).

Mr. WATSON of Pennsylvania (for) with Mr. JOHNSON of Washington (against).

Until further notice:

Mr. SCULLY with Mr. LANGLEY.

Mr. AYERS with Mr. KELLEY of Michigan.

Mr. FERRIS with Mr. SLEMP.

Mr. KEHOE with Mr. COSTELLO.

Mr. RIORDAN with Mr. DALLINGER.

Mr. DOREMUS with Mr. DUNN.

Mr. FIELDS with Mr. GOODALL.

Mr. GANDY with Mr. GREENE of Massachusetts.

Mr. KELLY of Pennsylvania with Mr. HAMILTON of New York.

Mr. PHELAN with Mr. WARD.

Mr. RAINEY with Mr. KAHN.

Mr. EAGLE with Mr. SCOTT of Iowa.

Mr. TREADWAY. Mr. Speaker, I voted "nay." I desire to withdraw the vote and answer "present," as I am paired with the gentleman from Missouri [Mr. BOOHER].

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The Clerk will read the resolution the third time.

Mr. MADDEN. Mr. Speaker, I demand the reading of the engrossed resolution.

The SPEAKER. The engrossed resolution is not here.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to address the House for three minutes touching the ruling made by me in the chair a few minutes ago.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for three minutes on a ruling which he made. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Speaker, I would like to inquire what effect the granting of this unanimous consent would have upon the status of the bill?

The SPEAKER. It has none whatever. There is no engrossed copy of the bill here, and you can not vote on it unless there is.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McLAUGHLIN of Michigan. I wish to make a motion to recommit.

The SPEAKER. The gentleman can not make a motion to recommit until we have a third reading of the bill.

Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker and gentlemen of the House, I feel that I should make a statement to the House in view of the ruling I made as Chairman of the Committee of the Whole. The

gentleman from Texas [Mr. SLAYDEN] made a motion upon the reading of the joint resolution, which was a resolution of one paragraph, that the committee rise and report the bill with a favorable recommendation. The gentleman from Wisconsin [Mr. STAFFORD] offered what he claimed was a preferential motion, namely, a motion to amend. The Chair asked the gentleman from Wisconsin for authority, and he stated that he was sure of his position, but at the moment was unable to cite the Chair to an authority. The parliamentary clerk at the desk confirmed an impression that the Chair had that a motion to rise and report the bill favorably, under the circumstances stated, was a motion in order as against a subsequent motion to amend, and the Chair so held.

Immediately after coming out of the chair I took occasion to examine the precedents, and I find that there are any number of precedents holding directly to the contrary. The Chair was wrong in his ruling. There is a decision by no less a Speaker than Speaker Carlisle, and a number of decisions by Chairmen of Committees of the Whole, holding that a motion to amend is a preferential motion. There is no rule now that directly bears upon it, although there was an old rule; but it is held that inasmuch as the committee is created for the purpose of considering a bill for amendment that the opportunity to offer such amendment should be given. What misled me in making my ruling was the belief that a committee ought to have the right to dispose of a matter in the most expeditious way, and that, if it did not desire to amend, it could show that by voting a motion to rise and report favorably. If it did want to amend, it could simply vote down such a motion. I stated as Chairman of the committee the reason for such ruling. The amendment of the gentleman from Wisconsin [Mr. STAFFORD] had been read, so that the Committee of the Whole was thoroughly advised as to the issue, and did, in point of fact, by its vote express an opinion. But I felt, in view of the ruling that has been made, that I owed it to the House to make a statement as to my error.

Mr. STAFFORD. The gentleman can see the unworkable position the House would be put into if the ruling made by the gentleman should be adhered to. In the case of bills in the Committee of the Whole House on the state of the Union having more than one paragraph or section, it would be the privilege of Members to offer an amendment to every section except the last, and then the committee having the bill in charge would be privileged to move to rise and report the bill and not give opportunity to the House to offer an amendment to the last section.

Mr. SHERLEY. I do not quite agree with the gentleman's reasoning, but the precedents are all against me, and I wanted to tell the House so. [Applause.]

Mr. LITTLE. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. LITTLE. Did the gentleman in his researches discover any method by which such error could be corrected?

Mr. SHERLEY. There are always remedies by which errors can be corrected if the House desires to do so.

Mr. LITTLE. Will the gentleman tell me how we can remedy this proposition?

Mr. SHERLEY. The House, if it desired to do so, could by unanimous consent vacate an order or it could do so on a motion to reconsider. It is only fair to state, as I have already said, that the ruling did not, in my judgment, prejudice anyone, because the amendment of the gentleman from Wisconsin was read to the committee, and the Chair expressly stated that if they wanted to consider that amendment they could simply vote down the other motion. So the committee expressed its view just as clearly as if the Chair had ruled right.

Mr. LITTLE. The gentleman suggests unanimous consent as the only remedy. I ask unanimous consent to return to the place in the bill which we had before the ruling was made.

Mr. McARTHUR. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. WALSH. Mr. Speaker, the regular order.

The SPEAKER. The regular order is that the Clerk will report the next bill from the Committee on the Library.

Mr. SAUNDERS of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAUNDERS of Virginia. In respect to this bill for which demand was made for an engrossed copy, when will we vote on that?

The SPEAKER. We will vote on it to-morrow morning.

Mr. SAUNDERS of Virginia. The first thing to-morrow morning, after the other business is disposed of?

The SPEAKER. Yes.

Mr. WALSH. Mr. Speaker, I desire to propound a parliamentary inquiry in connection with the reply of the Speaker to

the inquiry propounded by the gentleman from Virginia [Mr. SAUNDERS]. Do I understand the Speaker to hold that if the House should adjourn to-day before the engrossed copy of the resolution is received by the Clerk the vote would come on the resolution to-morrow morning as a matter of course, and that a motion to recommit, or any other motion which would be in order, would be deferred until that time?

The SPEAKER. You can not make a motion to recommit until after the third reading, and you can not have the third reading unless you can get the engrossed copy of the resolution. Two Speakers of the House, at least—Speaker CANNON and myself—have decided heretofore that when the previous question is ordered on a bill on Calendar Wednesday the vote shall be taken Thursday morning. I think Speaker CANNON never decided it but once, and everybody took it for granted that he was right, and I have decided it two or three times for some reason or other.

Mr. WALSH. But, Mr. Speaker, the previous question now has only been ordered on the third reading.

The SPEAKER. The previous question has been ordered on the resolution and everything else.

Mr. SAUNDERS of Virginia. And the resolution is now up to the point of passage.

Mr. HARDY. Mr. Speaker, I wish to ask unanimous consent to extend my remarks on this resolution.

The SPEAKER. The Chair wants to make one remark that ought to be made. If they get that engrossed copy of the resolution in here this evening and everybody wants to vote on it, it can be voted on to-day. If they do not get it in here to-day, it will be voted on to-morrow.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. If the engrossed copy of the resolution should be brought in here at any time before adjournment, I can ask that it be voted on then?

The SPEAKER. That is exactly what the Chair stated. When the engrossed copy is ready, the Chair will recognize the gentleman from Michigan [Mr. McLAUGHLIN] to make the motion to recommit.

Mr. LENROQT. Mr. Speaker, I take it for granted that the Chair, in announcing what the decision would be, meant it will still be subject to a point of order and that the point of order can be argued to the Chair when the time arrives?

The SPEAKER. Yes; of course. I am always willing to hear argument.

The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks in the RECORD—about what?

Mr. HARDY. This resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I submit a request for unanimous consent to extend my remarks on this resolution by printing a table which I have had compiled in response to questions asked by the gentleman from Massachusetts [Mr. WALSH] the other day. It is a table which I think will be interesting.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks on this resolution that we just had up. Is there objection?

There was no objection.

Mr. WATSON of Virginia. Mr. Speaker, I ask permission to extend my remarks in the RECORD on this resolution.

Mr. STEELE. Mr. Speaker, I make the same request.

Mr. DEWALT. And I make the same request, Mr. Speaker.

The SPEAKER. One gentleman from Virginia [Mr. WATSON] and two gentlemen from Pennsylvania [Mr. STEELE and Mr. DEWALT] ask unanimous consent to extend their remarks in the RECORD on this resolution. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MASON. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD on the alien-slacker bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the alien-slacker bill. Is there objection?

Mr. SHOUSE. I object.

The SPEAKER. The gentleman from Kansas objects.

CALENDAR WEDNESDAY.

The SPEAKER. Has the gentleman from Texas [Mr. SLAYDEN] any business from his committee?

Mr. SLAYDEN. There are two other bills on the calendar, but I am told by the Clerk that they have not been there long enough to be called up.

The SPEAKER. The Clerk will call the list of committees.

The Clerk proceeded with the call of committees.

LONGEVITY PAY, ARMY AND NAVY OFFICERS.

Mr. WEBB (when the Committee on the Judiciary was called). Mr. Speaker, as chairman of the Committee on the Judiciary, I desire to call up the bill H. R. 1691, known as the bill to confer jurisdiction on the Court of Claims to hear and try certain longevity claims.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 1691) to confer jurisdiction on the Court of Claims.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Kentucky [Mr. JOHNSON] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1691) to confer jurisdiction on the Court of Claims, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1691, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States *v. Morton*, volume 112, United States Reports, page 1; and *United States v. Watson*, volume 130, United States Reports, page 80; and of the Court of Claims in *Stewart v. United States*, volume 34, Court of Claims Reports, page 553.

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Mr. WEBB. Mr. Chairman, the purpose of this bill is to give the Court of Claims jurisdiction over claims of certain officers for longevity pay, which claims were denied by the Comptroller of the Treasury in the years between 1890 and 1908. All longevity claims for pay prior to that time have been paid. All longevity claims for pay after 1908 have been paid. The Supreme Court has ruled that they ought to be paid; that the attendance of those officers at the Military and Naval Academies was part of their service and, as part of their service, they are entitled to be paid for same. Under the rulings of the comptroller for the period between 1890 and 1908 those claims have been denied entirely, and the purpose of this bill is to allow officers whose claims were denied during 1890 to 1908 to file their claims and receive their pay under the law as construed by the Supreme Court of the United States.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. WEBB. I yield 15 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I ask the attention of the members of the committee to this bill for two reasons—first, because of its own importance, and, second, for a reason that is perhaps personal in large degree to myself.

One of the first bills that it was my privilege to speak for and advocate in this House was a bill offered in the Congress in 1914, which appealed to my sentiment and spirit of patriotism when I discovered it in our Judiciary Committee unacted upon. It was a bill to repeal section 3480 of the Revised Statutes. By virtue of that section, passed immediately at the close of the Civil War, the soldiers of the Confederacy who had been soldiers or commissioned officers of the United States prior to the Civil War were expressly debarred from presenting their longevity claims and having the same paid. At that time, as you may recall, there was extant in our country a spirit of harmony and a desire for a greater unity. Grand Army posts in the North were surrendering flags to Confederate posts in the South, and likewise in the South recognitions of courtesy were extended to posts in the North. The reunion on the battle field of Gettysburg had taken place, where old veterans who had stood in battle array against one another met and greeted and rejoiced in a restored union. The dedication of the Arlington monument had just taken place. I made an appeal to this House for the passage of that bill, which repealed the law that debarred relatives of Lee, Jackson, and other great men who had figured in the Confederate Army from getting the pay that was due under the laws of the United States prior to the beginning of that war. I am happy to say that on that occasion—some of you may recall it—the repeal of that section of the Revised Statutes was unanimously approved by this House.

But I discovered that in the administration of the law with reference to longevity claims there was a period, as the chairman of our committee has explained, from 1890 to 1908, in which the claims of those men who had served in the Union Army had either been presented and rejected, or certainly none of them had been passed, creating a situation of inequality and injustice that, in my opinion, ought to be remedied. This difficulty arose out of a difference of opinion of certain auditors. The Supreme Court of the United States having decided that this claim for extra compensation covered the period of service in the academy, one of the comptrollers made up his mind that he would disregard the decision of the Supreme Court, and he refused for a long period to permit any of these claims to be presented and paid. Another comptroller came in, and he said that the opinion of the Supreme Court was binding upon him, and that he would recognize these claims, but, mark you, with this distinction, that all the claims that had been presented either to the Court of Claims or to the previous comptroller would not be considered by him, because, as he said, they were res judicata, they had been determined, they were settled, and thus this injustice was wrought to the men who had been alert to prove their claims but had been met by the stubborn opposition of the comptroller who was then in power.

Since then I have, with the greatest possible earnestness, attempted to have passed through our committee and by this House a bill to remedy this egregious wrong and give to those Union soldiers what we agreed by the repeal of that statute to give to the men who had gone into the Confederate service; in other words, to relieve these Union soldiers from the bar which had been unrighteously put up against them, and have their claims paid just the same as the claims of Grant and of Lee and the others, whose claims have been presented and honored and settled, amounting on the Union side to about \$1,000,000 and on the Confederate side, I think, to about \$150,000. There are still outstanding and unpaid claims which are righteously due to these generals and soldiers and officers of about \$500,000, and there is nothing that this Nation can do that will be such an act of justice as to order and direct that these men or their descendants shall now have equity and proper treatment, even at this late day.

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. WALSH. Does the gentleman contend that this will cost the Government only approximately a half million dollars?

Mr. GRAHAM of Pennsylvania. I do. That is the report.

Mr. WALSH. And that this is to be paid only to those officers and soldiers who are living?

Mr. GRAHAM of Pennsylvania. Oh, no; it goes to their heirs, the same as the others did. In the other case I received letters from Mrs. "Stonewall" Jackson and a number of the other women of the South whose claims were honored and paid. They were the relatives of the deceased soldiers. So in this case the relatives of the deceased soldiers who have thus been barred out will be honored and recognized, and I earnestly ask this committee to pass upon and approve this bill.

Mr. McKENZIE. If the gentleman has any further time, I would like to ask him to explain a little bit more in detail just where the hardship comes in from which these people suffer. I do not just get it.

Mr. GRAHAM of Pennsylvania. In the report of the committee which I made on the bill that was up in the last Congress, and which through the crush of business failed to pass at that time, I appended a list of all the Union officers who were paid and a list of all the officers who were in the Confederate service who have been paid. Now, those men have been paid. These others are equally entitled to be paid, but owing to certain circumstances their claims were debarred. Now let me give you briefly a résumé of the circumstances.

First, by a decision of the Supreme Court of the United States officers in the United States Army were allowed credit, in computing their longevity pay, for services as cadets at the Military Academy. That is the basis of all these claims.

Owing to the fact that the Court of Claims had jurisdiction only of cases where the right of action had arisen within six years from the time of bringing the suit, that court was closed so far as having jurisdiction to render relief. That avenue was not open to these people who wanted to collect their longevity pay under the decision of the Supreme Court of the United States, because of the statute of limitations; but the jurisdiction of the accounting officers in the Treasury was not barred by the statute of limitations. Everyone had a right to present his claim there. Now, the men who were vigilant, who did not sleep upon their rights, presented their claims to the accounting officer in the Treasury; but that gentleman, a man from my own State, I am sorry to say, ruled that he would not follow the decision of the Supreme Court, and for a long time he refused to

recognize any of those claims. Another comptroller comes in and says, "I am bound by the decision of the United States Supreme Court, and I will recognize these claims," and the claims were presented to him, passed, and paid, all except those which had been presented to the prior comptroller, who said they were barred because they were res judicata. For that reason they were barred out. The new comptroller would not review the decision of his predecessor.

Now, if all of the others had a right to be paid, and if all the others were paid, then surely the obstinacy of this controlling officer ought not to keep these people whom he barred out from getting their pay.

Mr. McKENZIE. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. McKENZIE. If the gentleman will pardon me, as I understand it, the longevity pay is fixed by law in the Army, and the fact that a man did not make application does not seem to me would affect his rights at all.

Mr. GRAHAM of Pennsylvania. It does not.

Mr. McKENZIE. Did this comptroller, in rendering this decision, overstep the law of the land, or did he construe the law on the statute books which you are now trying to repeal?

Mr. GRAHAM of Pennsylvania. I am not trying to repeal anything.

Mr. McKENZIE. Well, to extend the law.

Mr. GRAHAM of Pennsylvania. No; I am providing for the payment of claims unjustly barred out.

Mr. MADDEN. The gentleman is trying to remedy a case where the vigilance of the claimant counted against him.

Mr. GRAHAM of Pennsylvania. Yes; instead of in his favor. There was a dispute, a debatable ground, as to whether the period that a man served in the Military Academy was to be counted as service to the United States in computing longevity pay. We all recognize that the highest tribunal to settle that question is the Supreme Court of the United States. In the case of Morton against the United States the Court of Claims held that the term "actual time of service in the Army" as used in the act of 1881 covered time spent as a cadet at the Military Academy.

This was appealed to the Supreme Court, which affirmed this decision on October 27, 1884 (United States v. Morton, 112 U. S. 1). The Supreme Court said:

"From this review of the statutes it can not be doubted that before the passage of the act of July 28, 1866, as well as afterwards, the Corps of Cadets of the Military Academy was a part of the Army of the United States, and a person serving as a cadet was serving in the Army, and that the time during which the plaintiff in the present case was serving as a cadet was actual time of service by him in the Army."

When that decision was rendered, then came the effort to collect the longevity pay, but they were met by Comptroller Gilkeson, who said, "I will not audit any of these claims," and that stood under him and his successors from 1896 to 1908. That was the attitude.

Now, the new comptroller comes in and he permits all the claims presented to him to be passed and paid, except those which were presented to Mr. Gilkeson and his successors between 1896 and 1908, and which he said he would not hear or consider, because they had been adjudicated against these people. The iniquity and unrighteousness of that decision must be apparent to any one of us.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WEBB. I yield to the gentleman from Pennsylvania five minutes more.

Mr. NORTON. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. NORTON. The legislation in this bill will affect chiefly those who have served in the United States Military Academy. There are a few cases outside.

Mr. GRAHAM of Pennsylvania. I know of none outside those passing through the Military Academy.

Mr. NORTON. It does not affect the case of Union soldiers, because they have been provided for.

Mr. GRAHAM of Pennsylvania. It affects Union soldiers and no others. They were the only ones that could offer a claim under Mr. Gilkeson. The statute of 1866, which forbade the comptroller to consider any Confederate claim, was a bar to their claims being considered, but in 1914, as I recall, the House of Representatives passed a bill, in which the Senate concurred, repealing that section of the Revised Statutes which stood in the way of a Confederate officer being paid. They have been paid, and the only ones left out are the victims of that unfortunate decision of the comptroller in this period between 1896 and 1908.

Mr. FIELDS. In other words, if the claims filed with Mr. Gilkeson had been deferred until the administration of his successor, they would have been paid?

Mr. GRAHAM of Pennsylvania. Exactly.

Mr. FIELDS. And there would have been no necessity for any legislation.

Mr. GRAHAM of Pennsylvania. That is true.

Mr. FIELDS. Similar claims filed under his successor were recognized and paid.

Mr. GRAHAM of Pennsylvania. Yes; Comptroller Butler afterwards allowed the claims brought before him, passed upon them, and paid them, and among those that were paid were those of Grant, Rosecrans, and Kilpatrick.

Mr. BORLAND. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BORLAND. The function of the Court of Claims is to make a finding of facts and report to Congress. It has no function in this class of cases to enter judgment, but the purpose of this bill is to enable the Court of Claims to enter judgment. Heretofore the Court of Claims has reported on findings of fact, and we have had an opportunity to act on the report adversely.

Mr. GRAHAM of Pennsylvania. Do I understand the gentleman to say that there has been any adverse action on these claims, except by the comptroller?

Mr. BORLAND. The gentleman's report shows that this is the twenty-first time that this has been before Congress.

Mr. GRAHAM of Pennsylvania. But not one instance when it was adversely reported on.

Mr. BORLAND. It has been stricken out of the general claims bill three times since I have been a Member of Congress.

Mr. GRAHAM of Pennsylvania. I can not say about that, but when there has been a specific consideration of it it has never been reported against. I can not understand the mental operation or the attitude of anyone who would hesitate to vote for the payment of the claims of these Union soldiers—claims to which they are entitled.

Mr. BORLAND. It is not a question of the Union soldier, it applies to the graduate of West Point, and he may be a Union soldier or may not. It does not apply to Union soldiers, a great many of whom are volunteers.

Mr. GRAHAM of Pennsylvania. I want to correct the gentleman's misapprehension of the fact. The men who graduated from the Military Academy at West Point are the people who are affected by the decision of the Supreme Court. Some of them drifted into the Confederacy. Then came the bar of the statute forbidding them to be paid, because of their relations to the Confederacy. I came in here with a bill, and brought it to the attention of the House, using every energy in my power to lift that bar in the interest of that union between the North and the South that my friend, sitting in front of me, ex-Speaker CANNON so beautifully referred to the other day. This House unanimously agreed to remove that bar, and now I find that through the action of the comptroller a certain number of men have not been paid who are entitled to be paid, and I am bending every energy that I have to correct an act of injustice and to make equal the claims between men, whether they went into the Confederacy or into the Union Army. [Applause.]

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DENISON. Will the gentleman inform the House of the reason why this comptroller took that position, whether it was purely arbitrary on his part or did he have any precedent?

Mr. GRAHAM of Pennsylvania. He had no precedent. It was a purely arbitrary action.

Mr. ROBBINS. How many comptrollers followed the ruling of Comptroller Gilkeson? He was not the comptroller during all of that time, was he?

Mr. GRAHAM of Pennsylvania. I can not answer that question. I can simply say that down until the time that Comptroller Butler came into office that was the ruling.

Mr. ROBBINS. Mr. Mitchell seems to have been the first one. Mr. GRAHAM of Pennsylvania. No; the first was Mr. Gilkeson.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. KEATING. Mr. Chairman, I ask that the gentleman be given three minutes more.

Mr. WEBB. Mr. Chairman, I yield three minutes more to the gentleman.

Mr. ROBBINS. What proportion of soldiers North and South that graduated at West Point will be recompensed under this bill?

Mr. GRAHAM of Pennsylvania. Under this bill no one except those who were in the Union Army. The other bill covers those who had gone into the Confederacy, and they have all presented their claims and have been paid. This covers the unfortunate men whose claims were presented when this ruling of the comptroller was in force, and they were barred out by it, and when the next comptroller came in and recognized these claims he said that he would not go behind this date; that those others

he considered adjudicated and therefore barred out. He would not take them up.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. KEATING. The gentleman has constantly referred to the Union officers who are affected. Do I understand that only Federal officers in the United States Army who served in the Civil War on the Federal side are affected by this legislation?

Mr. GRAHAM of Pennsylvania. They are the only ones that are now affected. Those who served in the Confederate Army have been relieved by the other legislation.

Mr. KEATING. Do I understand the gentleman to say that no man who did not serve in the Union Army during the Civil War will benefit from this legislation?

Mr. GRAHAM of Pennsylvania. That is my understanding of the facts of this case.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. Some of these officers could not have been in the Union Army, since their graduation dates back to 1811 and 1812. I was wondering what bearing that would have upon the gentleman's statement.

Mr. GRAHAM of Pennsylvania. There are no claims that date back that far that I know of.

Mr. MOORE of Pennsylvania. The third claim on page 6—that of John J. Abert—is of a man who graduated from the Military Academy in 1811. I find quite a number throughout the list. They could not have served in the Union Army.

Mr. GRAHAM of Pennsylvania. Why not?

Mr. MOORE of Pennsylvania. Because they were probably dead.

Mr. GRAHAM of Pennsylvania. From 1842 to 1861?

Mr. MOORE of Pennsylvania. Here is a man who graduated in 1811. He certainly could not have fought in the Union Army?

Mr. GRAHAM of Pennsylvania. He may have been in the Army at that time or on the retired list. However, he was entitled to his longevity pay, and he got it. The list you are reading from is the list of paid claims.

Mr. MOORE of Pennsylvania. The gentleman was drawing a distinction as between the Union and the Confederate Armies, and I think properly so; but it was pertinent to ask how that would apply to an officer of the United States graduated from West Point in 1811 or 1812.

Mr. GRAHAM of Pennsylvania. I refer to that solely by way of explaining my own personal interest in this bill, and that, having been instrumental in removing the bar against those who went into the Confederate Army, I felt it was my duty to take an active part in trying to prevent a wrong which prevents other graduates entitled to longevity pay from being paid.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. FIELDS. I think the gentleman in his answer to the gentleman from Colorado [Mr. KEATING] probably gave a wrong impression to some, who feel that this legislation is for the benefit of Union soldiers only. As I understand it, the legislation does not confine itself to Union soldiers alone; but the only ones who happen to be in this unfortunate condition at this time were Union soldiers.

Mr. GRAHAM of Pennsylvania. That is right.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield again?

Mr. GRAHAM of Pennsylvania. Yes, if I have any further time.

Mr. McKENZIE. The gentleman has gone into this thing very carefully. Is he prepared to say now, in his judgment as a lawyer, that the comptroller who ruled against these claims, ruled against the law, and the men who ruled in favor of them sustained the law?

Mr. GRAHAM of Pennsylvania. Undoubtedly; because the Supreme Court's decision was in favor of these claims.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. WEBB. Does the gentleman desire any more time?

Mr. GRAHAM of Pennsylvania. I would like to clear up any doubt that exists in the mind of anyone.

Mr. WEBB. I yield five minutes more to the gentleman.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CANNON. I have just glanced at the bill, and find the following language on page 2:

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved

July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Now, the question in my mind is, the gentleman says it applies to officers. It seems to apply to enlisted men.

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CANNON. And certainly goes back to 1838, and God knows how many of these claims on the half and half or quarter to the claimant if successful and three-quarters to the attorney are to be opened up for agents by the accounting officers of the Treasury. It seems to me, being somewhat familiar from ancient recollections with the activity of the Washington claim agent, that it is possibly a bill for the relief of the claim agent.

Mr. GRAHAM of Pennsylvania. Well, if the gentleman says that—

Mr. CANNON. I say possibly.

Mr. GRAHAM of Pennsylvania (continuing). The gentleman ought to have some knowledge upon the subject, because I have introduced this bill myself into this House, and I challenge him to make any such insinuation as that with relation to myself. I would not stand it from anyone.

Mr. CANNON. Oh, the gentleman ought not to get out of temper—

Mr. GRAHAM of Pennsylvania. My reason for introducing that bill was what I have told the Members of this House, that I have been instrumental, whether wisely or unwisely, in removing the bar against these men who had been in the academy who went into the service under the Confederate flag, and I felt it was simply rounding out an act of justice now to take up the cudgels of those who were the victims of an error and blunder in the administration of the Treasury Department of the United States.

Mr. CANNON. Will the gentleman allow me? Certainly, I had no intention of putting the gentleman out of temper nor do I impugn in any way his motives in any way, shape, or form. When he speaks of enlisted men and refers to the act of 1838, from my ignorance, without any reflection upon the gentleman, from my recollection of the activities of the claim agents in Washington, I merely asked for information, whether it is not probable or possible that they will get the most of whatever comes out of the Treasury, and how much is to come I do not know, and the gentleman does not seem to know.

Mr. GRAHAM of Pennsylvania. The gentleman seems to be groping in the dark.

Mr. CANNON. Very likely; but I would like to walk in the light.

Mr. GRAHAM of Pennsylvania. The gentleman has more acquaintance with the claim agents than I have and therefore speaks out of the fullness of that experience, but I wish to say this: When he speaks of the enlisted man he must remember that the effect of this decision, while longevity applies to enlisted men, would not affect enlisted men unless they were graduates of West Point. There is nothing in that, and the committee has reported what they have ascertained to be the possible total aggregate of payments here. And in view of the fact that we have paid one set of these graduates of the academy upward of a million dollars and another set upward of \$150,000, you have no right, morally or legally, to stop now and say you will not pay these men who are the victims of an improper decision.

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. WALSH. I would like the gentleman to tell me how long a man who graduated from the Military Academy in 1880 served during the Civil War?

Mr. GRAHAM of Pennsylvania. I do not know.

Mr. WALSH. Well, the gentleman made the statement that this was to cover the services of men who served during the Civil War.

Mr. GRAHAM of Pennsylvania. Perhaps I may not have been clear enough in my expression to give clear color to what I had in mind. My thought is simply this, and the bill says so, that those who graduated from the academy are entitled to this longevity pay. Now, as a matter of sentiment, I referred to the fact that there were some of those who went into the Confederacy and therefore could not be paid on account of a certain section of the Revised Statutes. That has been repealed. Now, every graduate from the academy being entitled to longevity pay,

why should these unfortunates have the door shut in their faces—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent that the gentleman's time may be extended two minutes in order that I may ask him a question.

Mr. WEBB. I yield the gentleman one minute additional.

Mr. BORLAND. I recall the gentleman stated, in regard to the question of the gentleman from Colorado, that the only persons affected by this were men who had served in the Civil War on the Union side and were graduates from the academy. I think possibly the gentleman may not have understood the question—

Mr. GRAHAM of Pennsylvania. Maybe so.

Mr. BORLAND (continuing). Because I notice in his own report he gives the list of men who graduated from the academy in 1867, 1871, and 1877, and other dates subsequent to the Civil War, and it is perfectly apparent it is confined to graduates of the academy, some of whom may possibly have served in the Civil War.

Mr. GRAHAM of Pennsylvania. That is right.

Mr. BENJAMIN L. FAIRCHILD. In the interest of perfecting the gentleman's bill, I would like to direct his attention to line 6, page 1, of the bill, where the expression is used "Supreme Court of the United States." Should it not be "Supreme Court in the United States against Morton" and not "Supreme Court of the United States against Morton"?

Mr. GRAHAM of Pennsylvania. I have no objection at all to that being corrected.

Mr. BENJAMIN L. FAIRCHILD. I thought the gentleman would like to have it correct.

Mr. WEBB. I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry before I begin.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. As I understand it, no one has been recognized for an hour in opposition to this bill.

The CHAIRMAN. No.

Mr. BORLAND. Well, may I not now ask for recognition in opposition to the bill in my own right?

Mr. WALSH. Is not a member of the committee entitled to that?

The CHAIRMAN. Is the gentleman a member of the committee?

Mr. WALSH. I am.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. BORLAND. In that case I will only ask for five minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. WALSH] if he is opposed to the bill.

Mr. WALSH. Yes. I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. I am much obliged, just the same.

Gentlemen, this bill ought not to pass, and I regret very much that the distinguished gentleman from Pennsylvania [Mr. GRAHAM] urges it with such vim. By the report it appears that this is the twenty-first attempt that has been made to get these longevity claims paid. I remember that they were before our Committee on Claims in this House repeatedly and without success. They were put on a claims bill in the Senate at one time, which occasioned the defeat of a large number of very meritorious claims because these claims were injected into that claims bill. And this House has universally been opposed to the payment of these claims.

Now, let us get down to exactly what this question is. This is not confined to the Civil War, and, goodness knows, it has nothing whatever to do with the enlisted man, although the act of 1838, which was referred to, of course does apply in some of its provisions to the enlisted man.

Mr. GREEN of Iowa. Will the gentleman yield right there?

Mr. BORLAND. Yes.

Mr. GREEN of Iowa. Some gentlemen, I think, including the gentleman now speaking, spoke of a list of those who were to be paid under this bill. I have been unable to find it.

Mr. BORLAND. It is in the back part of it. There is no list of those that are to be paid. It is a list of those who have been paid. No enlisted man has got a look-in on this bill. No Union officer has got a look-in on this bill who was a volunteer officer, and the great percentage of Union officers were, of course, volunteer officers. This is confined to a very narrow class, a few of whom may survive as officers. The number of surviving Union officers is very, very small at this time. But the men who will be benefited by this bill are men who have had a public education in the Military Academy of the United States,

whether they ever served a day in the war or not. They are the men to be benefited, and they are the narrow, prescribed, limited class that is to be benefited.

Now, what is it they ask? They ask that their longevity pay, which is supposed to be based on their service as officers of the United States, shall be dated back to cover the four years they were in the academy at Government expense.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question?

Mr. BORLAND. Yes, sir.

Mr. GRAHAM of Pennsylvania. Are you not mistaken when you say they ask to have their period of service dated back for four years to cover the academy, in view of the fact that the Supreme Court of the United States has decided it must be dated back, because when in the academy they were in the service of their country?

Mr. BORLAND. If they were not asking it, the bill would not be here, I take it. So evidently they are asking it. Somebody may have decided they are entitled to it under a technical construction of the law, but they are asking for it, and it is useless to deny that.

Mr. MADDEN. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. MADDEN. Does the gentleman think, in view of the fact that the claims of those who had left the service of their country, after being educated at West Point, and gone into the Confederacy have been adjudicated that those who stayed by the flag ought not to have their claims adjudicated?

Mr. BORLAND. I do not think that clearly explains the situation. My recollection is that the only bar Congress removed was the proof of loyalty, leaving the question of time of presentation the same in both cases. The fact about the matter is that this ruling seems to have extended over a period of 18 years, and I can not reconcile my idea but that the mistake was the ruling of a single Comptroller of the Treasury. There could not be anything in that.

Mr. RUSSELL. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. RUSSELL. Do I understand you to say that if this bill is passed it will apply to those who have graduated at the Military Academy after four years?

Mr. BORLAND. Yes.

Mr. RUSSELL. And that they will get their pay, although they may not have served in the Army afterwards?

Mr. BORLAND. The whole milk in the coconut is to give longevity pay to those who happened to be educated at public expense in the Military Academy and making their service begin when they entered the academy as cadets.

Mr. PLATT. The gentleman did not say that they could possibly get their pay if they went into the Military Academy and did not go into the Army.

Mr. BORLAND. I said that they may have never gone into war. The gentleman from Missouri [Mr. RUSSELL] asked me a question, which I have distinctly answered, and that is whether the longevity pay was intended to cover their service in the academy. The gentleman's question was clear.

Mr. FIELDS. Under all the decisions that have been rendered since the administration of Comptroller Gilkeson the West Point service has been computed, has it not? Is it not computed now?

Mr. BORLAND. I do not know whether it is or not. But it ought not to be.

Mr. FIELDS. If it has, without going into the question of whether it is right or not, if the officer whose longevity is computed to-day is getting credit for that, would it not be fair and just for those men who filed their claims within this period to have that discrimination in justice corrected? They were discriminated against as compared to the men who receive their longevity pay to-day.

Mr. BORLAND. I will say to the gentleman that it is the question that has been before the Committee on Claims of this House repeatedly, as to whether you ought to reach back to those men, and the Committee on Claims of the House were found against it, and our House agreed to that ruling. Now, some men are entitled to longevity pay. It is not necessary to go back into the distant past and allow these claims to be taken up and presented.

Mr. SAUNDERS of Virginia. May I ask a question? I want to get at the facts. Would the people to whom this bill relates, the beneficiaries under this bill, be entitled to the longevity pay but for the decisions of the comptroller?

Mr. BORLAND. I understand so.

Mr. SAUNDERS of Virginia. Do the decisions of the Supreme Court and the decisions of those comptrollers agree?

Mr. BORLAND. I do not know. I have not examined the decisions of the Supreme Court.

Mr. SAUNDERS of Virginia. That is a pretty vital point. If, under misapprehension of the law, comptrollers have rendered decisions that were erroneous in point of law and have been ascertained to be such by virtue of the decisions of the Supreme Court referred to by the gentleman from Pennsylvania [Mr. GRAHAM], ought we to allow that erroneous decision of the comptrollers to stand in the way of giving to people that to which they are entitled under the law of the land?

Mr. BORLAND. I am quite sure that if these people have any claim in law or equity against the United States they would not be here asking for the enactment of this bill. I think that is perfectly apparent. I do not know under what analogy they ask for it, or under what decision they refer to, but I am confident that if they had any remedy in law or equity they would pursue it.

Mr. SAUNDERS of Virginia. The reason why I asked that question is this, that the only reason why these people are asking for this legislation is that they are handicapped by an erroneous ruling of some antecedent comptroller which the present comptroller will not set aside.

Mr. BORLAND. I heard the gentleman from Pennsylvania [Mr. GRAHAM] make that statement, but I do not know the facts.

Mr. SAUNDERS of Virginia. It seems to me that is a vital question, whether that is so or not.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DENISON. Does the gentleman happen to know how many of these claims are now in the hands of the original claimants?

Mr. BORLAND. I have not the ghost of an idea as to how many of these claims are in the hands of the original claimants. There is no way of ascertaining even the gross amount of the claims.

Mr. DENISON. Is there any law now in force that governs the collection of these claims as to whether or not they can be assigned to other persons?

Mr. BORLAND. There is a law, of course, on the subject. The gentleman knows that the Court of Claims makes the findings of fact, which it submits to the Congress, but it has no power of rendering a judgment. It makes merely a finding of fact, as it ascertains the same to be in its judgment, and Congress has the complete power to approve that finding of fact if it sees fit. That course was pursued in this case and the finding of fact was made, and the Congress has refused to confirm that finding of fact by making the appropriation, and now it is proposed to give the Court of Claims the power to enter judgment against the United States, notwithstanding the fact that the claims have been pending in Congress for 10 years past.

These men have had a military education at the expense of the United States, costing \$20,000 in round numbers to each man, and they were paid to take it. The United States confers an education free, at a cost of \$20,000, to every man who is educated there. It seems to me it is a strange thing in time of war to come in here and ask that half a million dollars or a million dollars be paid to men who have already had that advantage.

The question to-day is, Why is West Point? When we need officers we have to go out and get volunteer officers. That is what happened to us in every war we have had. When we got this National Army we trained 43,000 officers in training camps in three months.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BORLAND. I say we have trained 43,000 officers in training camps in three months. We took the bright young men from your district and from mine and sent them out there, and in three months' time they came out able to command this great army of democracy. And yet these men setting up these claims had four years of training, and some of them have never fired a gun in defense of the United States.

We are depending to-day upon 43,000 young Americans, who have had but three months' training in a training camp, to command our armies when we are facing the most desperate fight that our Government ever faced; and here is a lot of men who had four years' training at Government expense, and were paid to take it, asking for longevity pay. I venture the assertion that most of them never rendered any service to the Government.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. PLATT. Those 43,000 officers that the gentleman refers to were trained chiefly by West Point graduates, were they not?

Mr. BORLAND. No; I do not say that they were chiefly trained by West Point graduates. I want to call the attention of my friend from New York to this fact, that before this war broke out the great majority of the officers of the line in the United States Army were not West Point graduates. I will call on the members of the Committee on Military Affairs for verification of that statement, that the majority of the officers of the line in the United States Army have never been through West Point. I have never been able to understand why a great military academy such as we have, maintained at enormous expense, could never furnish more than a minor percentage of American officers in time of peace, and not furnish even a nucleus in time of war. These men in the training camps were trained by men a majority of whom had never seen West Point, and most of whom had served in the National Guard of the various States.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes; I yield to the gentleman from Michigan.

Mr. MAPES. Does this bill cover all graduates from the academy from the time the academy was organized?

Mr. BORLAND. Apparently.

Mr. MAPES. Who happened to have their longevity claims filed?

Mr. BORLAND. Yes.

Mr. MAPES. And who filed their claims from 1890 to 1908?

Mr. BORLAND. Yes; that is apparently the case.

Mr. MAPES. Will the gentleman yield for a further question?

Mr. BORLAND. Yes.

Mr. MAPES. How does it happen that such a large proportion of the graduates of the academy filed their claims during this time?

Mr. BORLAND. I have no way of answering that, except as the gentleman from Illinois says. There are always attorneys here interested in practicing before the Court of Claims, and occasionally they ransack the country and get a set of claims and bunch them up and get them before the Court of Claims. I have seen that done frequently, but I have no personal knowledge in this case.

Mr. IGOE. Mr. Chairman, will my colleague yield?

Mr. BORLAND. Yes.

Mr. IGOE. Is it not true that the reason why they were filed at that time was that shortly before that the Supreme Court had sustained the validity of the claims? Is not that the reason why they were filed at that time?

Mr. BORLAND. I imagine that some attorneys had circularized the country as soon as the decision of the Supreme Court was made.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LONGWORTH. I know nothing about this bill except what I have heard in the debate, and I do not know how I shall vote on it; but it seems to me the gentleman has directed his argument against the policy of paying this longevity to the officers during the time they were in West Point. I understand the Supreme Court has so construed the law, and that other men have been paid under the same circumstances before this decision of the comptroller, and other men have been paid since that decision. Now, is it fair that you should segregate a certain class and say that merely on account of a decision of the comptroller, which is apparently against the Supreme Court, they should not be paid while the others are paid?

Mr. BORLAND. That seems to be the argument that is made, but from my standpoint these gentlemen have no equity. From my standpoint they might stand on a strictly technical legal right, which I think would be a gross injustice to the Government if they did stand on it, and not a very high evidence of patriotism; but if they had a strict legal right we might have to pay them. But when they come here appealing to equity, appealing to the conscience of Congress, they have universally been met with a refusal, and that is what they are appealing to to-day. They are appealing to sentiment, to conscience and equity. They admit that they have not any strictly legal right.

Mr. McKENZIE. Will the gentleman permit an interruption?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman five minutes more.

Mr. McKENZIE. In my judgment, the matter of longevity pay is a question of law, and according to this report the law of 1870 is as follows:

There shall be allowed and paid to each and every commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each and every term of five years of service.

Now, the Supreme Court of the United States has ruled that the four years spent in the Military Academy shall be counted as time served in the Army in figuring longevity pay. It seems to me that the law is just as plain as A, B, C, and if a man has a legal claim for longevity pay, I do not see why it is necessary to have any legislation to enable him to get it.

Mr. BORLAND. That is the whole answer to it. If there were any legal claim, based upon a decision of the Supreme Court, there would be no necessity of appealing to the extraordinary powers of Congress to pass a claims bill. That is perfectly plain. Evidently they have not got a legal claim, or they would not be here.

Mr. REED. Are some of these claims to pay the heirs of dead men?

Mr. BORLAND. I suppose so. I say I know nothing about the claims except the fact that we have had them up before Congress in previous sessions, and there has always been a disposition manifested by Congress, especially by the House of Representatives, not to pay these claims, not to go back into the past, and allow these claims to be drummed up against the United States and bunched at this time. It does seem to me that if we took that position in time of peace, when this Government had a comparatively small military burden upon it, when we might perhaps indulge this idea that Army officers were somewhat men of the rank of nobility in our country, we certainly can not take that position in time of war. A man who goes through West Point does not get a patent of nobility. He gets an education at public expense to serve his Nation, and I have never been able to believe that he was entitled to any special consideration because he had an opportunity to go to West Point. Thousands of other good men do not have the opportunity, yet when the time comes they serve their country just as bravely and just as capably as the men who went through West Point. They did not have the opportunity, and we are just simply making discrimination in this longevity matter between men who had a splendid opportunity to go through West Point, and to be paid for doing it, and men who served their country without any such inducement. I do not think we ought to make that distinction. I do not think there is any equity in this claim, and if there was any law on their side they would not be here appealing to the sentiment about the blue and the gray. The claim ought to be defeated. [Applause.] I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. WEBB. I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I know no one will think I am unduly zealous in behalf of these people whose claims are now being considered before the House. There is no reason, political or otherwise, why I should espouse their cause, except a sense of justice. I am as much opposed to a law that makes the service of a cadet while in the academy count in computing his longevity pay as the gentleman from Missouri [Mr. BORLAND] seems to be. But that is not the question we are discussing and has nothing to do with it. Any gentleman who tries to confuse the issue by pretending that we are determining whether it is wise or not to count as service the time a cadet is in the academy as a part of his service on which longevity pay is based is either himself mistaken as to the issue raised in this bill or is knowingly or otherwise deceiving the committee, because the sole question here involved, as anyone can soon find if he takes the trouble to inquire, is whether men who stand in the selfsame relation to both the law and the fact shall receive the same treatment. Under the act of Congress of 1838 for the reorganization of the Army, the question of whether the longevity pay of an officer in the Army should be based upon his service after graduation or should include also the time he spent in the academy arose. The Supreme Court of the United States decided that in computing his longevity pay the four years that he was a student in the academy should be taken into consideration. That became the law of the land, because the Supreme Court said that was the intent of Congress. A Comptroller of the Treasury undertook to decide that he was not bound by the law—in other words, that he was not bound by a decision of the Supreme Court. All those who presented their claims to prior comptrollers were paid. All those who presented them to this particular comptroller were denied. Those who presented their claims to comptrollers who came after him were paid. Now, the question here is simply this: Whether men's claim for compensation resting upon the same facts and under the same law should be dealt with alike. Now, shall we recognize as binding upon the conscience of this country an erroneous ruling of a comptroller is up to us, or shall we mete out even-handed justice. That is the only question here involved. If we want to take advantage of a technicality or the

mistake of an officer of this Government, and thereby deny equal justice to men who have performed equal services, why, bless your hearts, vote against this bill. If you want to put yourselves on record as being in favor of denying equal rights to men whose claims rest upon exactly the same facts and law, then hide behind the technical erroneous ruling of a Comptroller of the Treasury that was in contradiction to a ruling of the Supreme Court of the United States. You will accomplish that end.

Mr. TILSON. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. TILSON. Is there any question as to the ruling of that particular comptroller being wrong? In other words, was the ruling made by the other comptrollers right, in accordance with the decision of the Supreme Court, or was this ruling of this comptroller wrong?

Mr. CARAWAY. Absolutely wrong. The comptroller who came after, however, I think wisely decided that he was not a court of review; that the claims passed upon by the prior comptroller had been settled as far as he was concerned; and that he could not review the decisions of the prior comptroller. He was acting clearly within the law. He said that the comptroller was wrong, as everybody knows, but that he had no right to reverse it, and that no one could reverse it except the Congress of the United States, and we are to decide whether we will do it or not. Why, a man who would avail himself of that plea in this matter would plead the statute of limitations to avoid the payment of a just debt. The question is whether you want to plead a technicality to relieve the Government of its moral obligation.

Mr. BORLAND. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. BORLAND. This bill comes from the Judiciary Committee. Has not this exact question been presented to the Committee on Claims?

Mr. CARAWAY. I do not know as to that.

Mr. BORLAND. Is it not within the jurisdiction of the Claims Committee?

Mr. CARAWAY. Well, I do not submit my conscience to the Committee on Claims any more than I do to a Comptroller of the Treasury who makes a mistake. The question is whether it is just and right. Now I have no interest in it; my folks were all on the other side in the dispute. There is not a dollar going to anybody in my State. I never heard of anybody who was to profit by this legislation, but I would not deny justice to the blackest nigger that ever walked the earth under a technicality. [Laughter and applause.] And I would not permit my Government to do it if I could prevent it.

Mr. BORLAND. I do not want the gentleman to get away from that question that I asked.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WEBB. I yield the gentleman one minute more.

Mr. BORLAND. I am asking the gentleman whether it is not the uniform custom for the Court of Claims to bring its findings to Congress before the claims are paid and have them allowed? Why is it necessary that the gentleman's committee should bring in a bill authorizing the Court of Claims to enter up judgment?

Mr. CARAWAY. Anyone who understands the rules of the House will understand why it came to the Committee on the Judiciary, and I will not try to enter into an explanation of the rules of the House. The committee had jurisdiction of it. We believe that the country ought not to refuse to meet its legal obligations, and we voted for it.

Mr. COX. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. COX. If we do not pass this bill we punish the men who presented claims in their favor in time.

Mr. CARAWAY. Of course we do, and cover ourselves with infamy in doing it. [Applause.]

Mr. COX. Does not the gentleman in all sincerity feel that there ought to be some limitation placed in the bill as to the amount that would be allowed attorneys?

Mr. CARAWAY. If there is an attorney in it, I never heard of it. I can say truthfully that no attorney came before the committee, no attorney mentioned it to me, and no living soul has asked me to vote for the bill. I never heard of an attorney or agent or anybody else interested in it except these people, and they were not pushing it. It was a question that addressed itself to the conscience of the committee, and I voted for it.

Mr. COX. I am not trying to impute anything to the gentleman.

Mr. CARAWAY. I understand that. I want no attorneys or agents to profit by the act.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. WALSH. Mr. Chairman, I yield the gentleman from Illinois [Mr. CANNON] 15 minutes.

Mr. CANNON. Mr. Chairman, I do not think I shall want all that time, but I want to understand this bill. First, by way of suggestion, no man in the House has a greater respect for the gentleman from Arkansas [Mr. CARAWAY] than I have, and that is also true of the gentleman from Pennsylvania [Mr. GRAHAM]. I am not impugning the motive of any Member of Congress, but I can not quite agree with the gentleman from Arkansas. The gentleman from Arkansas intimated that a man who invoked the statute of limitations was not honest. Now, as I understand, these people who were diligent have not received their pay, but if they are entitled to anything why do they want legislation?

Mr. MADDEN. Because they did not receive it on account of the Comptroller of the Treasury at that time refusing to follow the decision of the Supreme Court.

Mr. CANNON. Precisely, and lo and behold, somebody evidently got the legislation. The Comptroller of the Treasury passed on these claims for a period of 10 years and rejected them.

Mr. GRAHAM of Pennsylvania. Will the gentleman pardon me a moment?

Mr. CANNON. Yes.

Mr. GRAHAM of Pennsylvania. The history is that in the beginning this longevity was not permitted to cover the period while the men served in the Military Academy. The Supreme Court of the United States in 1884 decided that that must be counted. Then, for a period from 1884 down to 1890 all these claims that were presented were paid. Then, from that period, under a ruling of the Comptroller of the Treasury, claims that were presented to him were ruled out arbitrarily. The next comptroller that came in allowed the claims that were presented to him, but said that he would not review those that his predecessor had passed upon.

Mr. CANNON. I think that is the usual course as to a predecessor.

Mr. GRAHAM of Pennsylvania. But not where there has been a blunder by refusing to follow the decision of the Supreme Court.

Mr. CANNON. Yes; in many cases that has happened, where the Comptroller of the Treasury has adjudicated, and then if anything happens that the claims are established subsequently by a decision of the court without express legislation on the part of Congress the claims that have been adjudicated by the comptroller are not paid or readjudicated. The very object of the gentleman by this legislation is to get authorization, as I understand it, for their adjudication. Now, the gentleman from Arkansas I am sure is not familiar with legislation had in recent years. After the close of the Civil War there were a lot of claims for back pay and bounty, and they kept coming in and coming in.

They were adjudicated, hundreds and thousands, I suppose hundreds of thousands of dollars, where they had not been paid, and where the records showed they had not been paid. Congress in its wisdom passed a statute of limitations and said that after the year 1912, I think it was, or possibly 1913, it does not make any difference, no claims should be considered thereafter filed. I have made several efforts to try to get rid of that act because I have a lot of constituents who are old, where the back pay and bounty is due them, but on account of that legislation which has been had by Congress and within the last decade, there is nothing doing. I speak whereof I know. People die, the personnel of Congress changes, we cross over, and there come up new claims and old claims that may not have been just, with a new set of legislators, or with the death of witnesses that knew they were not just, and then comes a second trial. After all, I think there is wisdom in statutes of limitations amongst individuals, and I wish to God there was a limitation in the Constitution of the United States, 6 years or 10 years or 20 years, as the case may be, because after claims have been rejected time and time and time again they spring up frequently with every new Congress. Let me tell you what has happened, and I speak whereof I know. Take the contracts, for instance, had during the Civil War for the building of gunboats and for services to the Government. Some of them were settled and receipts given in full payment, and yet year after year and Congress after Congress, when claims were presented for those things they were turned down, but finally many of them were paid by express legislation. If there had been a limitation in the Constitution providing that when there was settlement once made and the money was received in full payment they could not be again paid, that thing would not have happened.

I want to say frankly I do not understand why this bill should pass, if it does pass, unless some of it is stricken out.

It is said that it is confined only to West Pointers, who can take under this legislation, having the four years in West Point counted for longevity.

Mr. GRAHAM of Pennsylvania. That is what the Supreme Court said.

Mr. CANNON. Precisely; that is what the United States Supreme Court said. What does this mean? It harks back to an act of 1838. I do not know how much significance there is in these claims, whether they are claims that have been pending or claims that have been rejected. We find them in the list of enlisted men. Take page 2 of the bill, going to line 10—

all services rendered as a cadet at the United States Military Academy—

Now, you might stop right there, if they alone are to be relieved; but we find further—

and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

That covers the whole shooting match.

Mr. GRAHAM of Pennsylvania. No; it does not.

Mr. CANNON. Then what is the use of it?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Precisely; I am seeking knowledge in good faith.

Mr. GRAHAM of Pennsylvania. Just those claims which were proved before a comptroller and disallowed. They are easily ascertained.

Mr. CANNON. Oh, but the legislation is broader than that. Let me read it:

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances—

Longevity pay and allowances.

Mr. GRAHAM of Pennsylvania. Go on.

Mr. CANNON. It continues—

shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy.

Mr. GRAHAM of Pennsylvania. See how it is narrowed.

Mr. CANNON. But why did you broaden it here?

Mr. GRAHAM of Pennsylvania. Any lawyer would understand why it was broadened there. It is a recital of those acts; that is all.

Mr. CANNON. Oh, no; here is where the broadening comes in—

and as an enlisted man or commissioned officer of the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury—

Mr. GRAHAM of Pennsylvania. You see it is limited again.

Mr. CANNON (continuing)—

and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Now, what is the use of putting in the enlisted man?

Mr. GRAHAM of Pennsylvania. The act put it in.

Mr. CANNON. Did the act put it in?

Mr. GRAHAM of Pennsylvania. Yes; it is only a recital.

Mr. CANNON. But could the enlisted man come in now if he had been rejected?

Mr. GRAHAM of Pennsylvania. No; unless his claim was before the comptroller and rejected. It is limited to that. It is limited to those whose credit for their service at the academy had not been accounted for, and whose claims were proved before the comptroller.

Mr. CANNON. But the enlisted man did not have any four years at West Point. The decision of the Supreme Court did not cover him.

Mr. GRAHAM of Pennsylvania. No. Will the gentleman pardon me for just a suggestion?

Mr. CANNON. Certainly.

Mr. GRAHAM of Pennsylvania. The act covers the enlisted men, and there were certain conditions of service as enlisted men that were allowed to be counted by the officer when he became an officer. That is the general provision of the act, but we recite that act simply to identify the law. Under that we simply say that where the service at the academy has not been accounted and proof made before the comptroller, those claims shall be taken up and reconsidered as they ought to be.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. PLATT. The act of 1838 provides for additional pay, then in form of additional rations, for each five years of service "in the Army." This was first held to apply only to the time of the commission, afterwards service in the ranks as an enlisted man was counted, and then the question came up whether enlistments in the Military Academy—and when men are appointed to West Point they do enlist—should be counted as enlistment.

Mr. CANNON. Yes.

Mr. PLATT. And that was decided favorably by the Supreme Court in the decision cited here, so that the question of the other enlistment in the ranks does not come in here at all. That was not in the Supreme Court decision.

The decision was merely that West Point service is enlistment.

Mr. CANNON. That could be done without covering enlisted men or volunteer officers; it is not necessary to cover them.

Mr. PLATT. It is already covered without being in here.

Mr. FIELDS. They are already covered by the language of the statute now. That only refers to the law.

Mr. CANNON. This language takes that act and all other acts subsequent. What would the gentleman think if I proposed to strike out on motion the words "and as an enlisted or commissioned officer in the Regular or Volunteer Armies in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury"? Now, it looks like, to me, whoever drafted this bill—

Mr. FIELDS. That would be a discrimination wholly in favor of the West Point man.

Mr. CANNON. Well.

Mr. FIELDS. If under the law some man was entitled to this longevity pay who had served a certain time as an enlisted man, he is being discriminated against under the law that is now on the statute books.

Mr. CANNON. Well, I had supposed from reading this bill and what has been said about it that the people who were to be relieved were those who had been denied four years in the Military Academy.

Mr. GRAHAM of Pennsylvania. That is right—by the comptroller.

Mr. CANNON. The gentleman says that is right—by the comptroller. It seems some have been allowed. What is the use of spreading it beyond that?

Mr. GRAHAM of Pennsylvania. It does not go beyond that. If the gentleman will permit an interrogation, I would like to quote from a letter from the Secretary of War, Newton D. Baker.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. May I have a minute just to make this inquiry?

Mr. WALSH. I yield the gentleman from Illinois one minute.

Mr. GRAHAM of Pennsylvania. I quote from the letter of Secretary of War Baker:

The question of counting cadet service and service as enlisted men arose some years ago, and the then Comptroller of the Treasury ruled that service as a cadet at West Point was not considered service in the Army. The matter finally reached the Supreme Court, and on March 11, 1889, that body ventured a decision that—
"Cadets at West Point were always part of the Army, and that service as a cadet was always actual service in the Army," etc.

It appears that the claims of all of those officers which were presented prior to 1908 were disallowed, but that the officers who presented identical claims after another decision of the assistant comptroller in May, 1908, had their claims allowed and paid. The present Comptroller of the Treasury declares himself powerless to reopen such claims, no matter how just they may be, unless authorized by Congress to do so.

Accordingly, I have the honor to recommend that suitable legislation be enacted authorizing the Comptroller of the Treasury to reopen the claims of all officers who are entitled to longevity pay under the act cited.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

Mr. CANNON. Now, the gentleman's bill goes further—

Mr. GRAHAM of Pennsylvania. It does not go a step beyond that.

Mr. CANNON. Then I think I do not understand the English language. I have already read it twice and shall, when opportunity offers, propose an amendment to strike out the language from lines 11 to 17, inclusive.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Chairman, if I correctly apprehend the facts of this case and I think I do, then the merits of the pending proposition are beyond controversy. It is often said that the diligent man ought to be rewarded for his diligence, but according to the history of this case it is the slothful who have been rewarded, while the diligent have been punished. The committee ought to have in mind that the statute which determined the rights of the men who have received longevity pay is the same statute which is relied upon to estab-

lish the rights of the beneficiaries of the pending resolutions. This statute has been interpreted by the Supreme Court of the United States. It has also been interpreted by the comptrollers. One comptroller interpreting it, in advance of the decision of the Supreme Court held that it did not operate to include for the purpose of computing longevity pay the time spent by an officer as a student at West Point. Later the Supreme Court held that the time spent at the Military Academy, was to be counted as a part of an officer's service in the Army. Thereupon a number of officers who had noted the ruling of the comptroller excluding this time and therefore had never made application to have it considered in computing their longevity, were emboldened by this decision to submit their case to the comptroller. All of these applicants received longevity pay conformably to the interpretation of the statute established by the Supreme Court. The officers who had gone before the comptroller prior to the decision, and whose applications had been rejected, thereupon sought to secure the benefit of the same decision, by presenting their cases anew to the comptroller. What happened to these officers? Why, the comptroller held in substance, that he was not controlled or affected as to these cases, by anything that the Supreme Court had done, or any ruling that it had made, in interpreting the statute—that even if this court did hold that the ruling of antecedent comptrollers on the precise point presented was erroneous, and that service at West Point was to be considered in computing longevity pay, the comptrollers were a law unto themselves, and he would not undertake to reverse the antecedent ruling, but would reject the new applications, substantially on the ground, that the matter was *res judicata*. But the same comptroller who rejected the claim of an officer on this ground passed the claims of other officers whose cases, on the merits, were precisely those of the first officer, differing only in that they had never been presented to a comptroller, and therefore never had been rejected under an admittedly erroneous construction of the basic statute.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. GREEN of Iowa. I do not think the comptrollers went quite that far. But they simply said they would not sit as a court of appeals under the decision.

Mr. SAUNDERS of Virginia. The effect was the same.

Mr. GREEN of Iowa. The effect was the same.

Mr. SAUNDERS of Virginia. If we agree upon the effect, there is no occasion to concern ourselves over verbal distinctions, or differentiations. What does the pending bill propose to do? In this connection I will refer to a statement made, I believe, by the gentleman from Missouri [Mr. BORLAND] as follows: "If these people have any rights under the law, why do they not go to the courts? Why do they come to Congress with this bill?" The answer to these queries is very simple. These claimants can not go to the Court of Claims for the reason the time has expired within which they could sue in the Court of Claims. They can go to the comptroller, but this step would not avail them for the reason that the comptroller will not consider their applications, on the ground that the action of a former comptroller rejecting their claims, even if that action was error, renders their case, *res judicata*. In substance this high and mighty Treasury official announces that even though the Supreme Court has construed the statute contrariwise to the view taken by antecedent comptrollers he prefers to follow those comptrollers, in preference to a decision of our greatest court of last resort. Hence the intended beneficiaries of this bill are barred in both forums. This statute simply declares that the Court of Claims shall have jurisdiction to entertain the claims of officers who are entitled to the benefit of the decision of the Supreme Court, but who have been debarred therefrom by the rulings of one or more comptrollers. The statute might fairly be denominated a statute to make a decision of the Supreme Court effectual against an opposing ruling of a comptroller.

Should the beneficiaries of this bill bring themselves, upon the facts, within the benefit of this decision of the Supreme Court construing a statute which is the basic law for these cases then they will secure the same longevity pay which other officers upon the same state of facts have secured, no more, no less. The merits of the case presented for these claimants is manifest. On the one hand is a decision of the Supreme Court announcing that the statute relied upon by these claimants, includes the time spent at West Point by a student, as a part of his Army service, and should be considered in computing longevity pay. On the other hand, are the decisions of one or more comptrollers construing the same statute, and holding that time spent at West Point should be excluded in computing this pay. It should not be difficult to determine which ruling should be the determining authority.

Mr. TILSON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. TILSON. What does the gentleman have to say as to the purpose or effect of those words to which the gentleman from Illinois [Mr. CANNON] called attention to in lines 11 and 12 on page 2:

And as an enlisted man or commissioned officer in the Regular and Volunteer Armies.

Can he state whether this adds anything or whether it would subtract anything from the bill?

Mr. SAUNDERS of Virginia. I will refer the gentleman to the gentleman from Pennsylvania [Mr. GRAHAM], who has discussed that phase of the situation very fully.

Mr. TILSON. I was called out of the House at the moment, and I did not hear it.

Mr. SAUNDERS of Virginia. In reply to a query by the gentleman from Illinois [Mr. CANNON] the gentleman from Pennsylvania answered very fully the question now asked by the gentleman from Connecticut. This bill affords a relief to which its intended beneficiaries are very plainly entitled. These officers are asking for nothing but what others standing on the same footing as themselves have long since received. They are asking for something that should be accorded to them as a matter of right. They are not suppliants asking bounty or seeking a voluntary donation. They were diligent in presenting their claims and, by an erroneous ruling of a comptroller, have been punished for their diligence. In contravention of the accepted rule of action, the slothful in this case have been rewarded for their slothfulness.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, it has been stated, and well stated, that we are not considering the justice or injustice of allowing the service of four years in West Point in arriving at the longevity pay. That has been settled by the Supreme Court of the United States. I am frank to say that I think that law was wrong and that a law should never have been passed allowing this four years' service to be computed. But that law was passed and the Supreme Court of the United States held that it was valid.

Now, that law was passed upon by the Supreme Court in 1884 and for 10 years thereafter those claimants who presented their claims to the Comptroller of the Treasury received payment of them. All claims were not filed at the same time. They continued to file them, and in 1890 Comptroller Gilkeson, a new comptroller who came in at that time, reversed the decision of his predecessors and, we might say, the decision of the Supreme Court of the United States, and during his tenure in office he refused to pay these claims. After he went out of office the claims continued to come to the comptroller and his successor reversed his (Gilkeson's) ruling, and said that the claims were valid, and that he, acting upon the decision of the Supreme Court of the United States, would pay them, though he did not have the right to review those claims that had been filed during the tenure of his predecessor and were passed upon or rejected by him. So those are the claims that this legislation proposes to relieve.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question there?

Mr. FIELDS. Yes.

Mr. CAMPBELL of Kansas. Does the Judiciary Committee know how many of these claims there are and when the claims were pressed before the Auditor of the Treasury?

Mr. FIELDS. I will say to the gentleman I am not a member of the Judiciary Committee.

Mr. CAMPBELL of Kansas. I thought the gentleman was.

Mr. FIELDS. I am a member of the Military Committee.

Mr. CAMPBELL of Kansas. I can find nothing in the report. It does not mention the number of the claimants.

Mr. GRAHAM of Pennsylvania. It summarizes the amount.

Mr. FIELDS. The number does not affect the equity of the claims. If A, B, and C were claimants upon an equal footing and A filed his claim prior to the administration or the tenure in office of Comptroller Gilkeson, and his claim was paid, and C filed his claim after the service of Comptroller Gilkeson, and his claim was paid, can we take advantage of B, who filed his claim before Comptroller Gilkeson, whose decision conflicted with the decisions of both his predecessor and successor and the decision of the Supreme Court?

Mr. BORLAND. Will the gentleman yield?

Mr. FIELDS. I yield.

Mr. BORLAND. Does the gentleman agree with the position of the distinguished lawyer from Arkansas [Mr. CARAWAY] that Congress ought to rectify erroneous decisions of Federal courts, and that every time a judge is wrong Congress ought to sit as a court of appeals and set him right?

Mr. FIELDS. Well, I have seen some decisions that I thought Congress ought to show its disapproval of.

Mr. BORLAND. Does not the gentleman think injustice has often been shown to claimants?

Mr. FIELDS. I will say that this bill, if enacted into law, will only put the decisions of all Comptrollers in line with the decisions of the Supreme Court.

Mr. WEBB. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I would like to have had a little more time than that, but possibly I can get through in three minutes.

I am entirely opposed to longevity pay on account of service in the Military Academy, but that is not the question now before the House. My vote upon that is foreclosed, and the vote of a large number of the Members of this House is foreclosed, by their previous action. Some four years ago, I think it was, the gentleman from Pennsylvania [Mr. GRAHAM], who has presented this bill, introduced a bill which permitted certain officers who had been in the service of the Confederacy as well to present and have allowed their claims for longevity pay of this character under the same statute. The bill passed this House, as I remember, without a dissenting vote, at that time. It allowed exactly the same kind of claims. No possible reason could be given for allowing those claims that could not be given for allowing these that we have before the House at this time, and possibly some reasons might have been urged why those claims should not be allowed which would not operate against the claims we are now considering.

Mr. HELM. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HELM. Is there anything in the language of this bill that gives the volunteer officer and the private soldier the same status that the Supreme Court of the United States gave the West Point cadets?

Mr. GREEN of Iowa. I have only three minutes and I can not go outside, if the gentleman will pardon me, and into that question.

I want to say a word further with reference to the bill that was before the House on the other occasion. At that time the gentleman from Pennsylvania [Mr. GRAHAM] made a most eloquent speech in favor of it—a speech, I might say, that is one of the classics of the CONGRESSIONAL RECORD—and unless my friend from Missouri [Mr. BORLAND] is prepared to say now he was entirely carried away by the eloquence of the gentleman from Pennsylvania, so that he hardly knew what he was doing at the time, I am unable to see how he can consistently vote against this bill. I take it, the gentleman was present on that occasion, as he is one of the most diligent Members of the House and always attending to business here.

Now, just a word further in reference to the statute of limitation. Without carrying the argument as far as the gentleman from Arkansas [Mr. CARAWAY] went, I will say the principle of the statute of limitations has no application to this situation whatever. We apply the statute of limitations because we say if a man is not diligent and does not present his claim within a reasonable time, we have a right to presume that his claim is not just. That is the principle upon which the statute of limitations is founded. That is the legal principle upon which it rests. But in this particular case, from the extraordinary circumstances that have arisen, a man who was diligent in presenting his claim early is debarred from presenting it now, and having it allowed, and others who put off the presentation of their claims until such a time when, if at all, the statute of limitations ought to apply, were permitted to present them and have their claims paid, and they were paid.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield? I want to ask a question for information.

Mr. GREEN of Iowa. Yes.

Mr. GARRETT of Texas. I understood the gentleman to say that the claims that had been filed prior to 1890 had been paid.

Mr. GREEN of Iowa. As I understand the situation, there were three sets of decisions with reference to this matter by different comptrollers. The early comptrollers ruled that these allowances ought to be paid. Then came in other comptrollers who ruled that they ought not to be paid; and then came in a third and last set, after the decision of the Supreme Court, and who were in accord with its decision and who admitted that these claims ought to be paid, but said that they ought not to sit as a court of appeals on the decisions of their predecessors. The result was that the later comptrollers paid new claims that were presented to them, but refused to pay the claims that we are now considering, holding that they were adjudicated by their predecessors.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for three minutes.

Mr. TOWNER. Mr. Chairman, the principle in this bill which Congress will have to determine is simply whether or not we will put this class of claims upon an equality with others of the same kind.

Now, here, very briefly speaking, is the situation: There were claims presented for longevity which were presented in time and within the statute of limitations. They were refused by a certain Comptroller of the Treasury Department. After this had been done, subsequent comptrollers granted the allowance of this class of claims.

Now, this class of claims is based upon this condition of law and of fact: The Supreme Court of the United States has said that as a matter of law the claimants are entitled to the payment of these claims. The Court of Claims has said that as a matter of fact the claimants are entitled to the payment of these claims. Both of those propositions have been adjudicated by the erroneous decision of a certain comptroller. A certain part of those claims were not allowed. Now, these parties can not make these claims because of the fact that the statute of limitations runs against them. So you are confronted with this proposition: Are you willing, as a matter of justice, to remove the bar of the statute of limitations in this class of cases? As my colleague [Mr. GREEN of Iowa] has just shown, the object of the statute of limitations is to secure the determination of claims in a timely manner and before the evidence is lost. That has been done, and the Court of Claims and the Supreme Court have decided that the claims are just. Now it is for us to say that they should be paid if they are established in accordance with law and fact.

I want to call the attention of Members of the House to this fact, that we have removed the bar of the statute of limitations and other bars against all those who served in the Confederate Army, and now if we refuse to do so in the present bill we make a discrimination against the Union soldier if we now refuse to remove the bar. If gentlemen are willing to do that, then they ought to vote against this bill. If you are willing to place the Union soldier upon exactly the same plane of equality that you have by unanimous consent voted to place the Confederate soldier, then you ought to vote for this bill.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. LONGWORTH. Would it not be a concrete statement to say that the object and effect of this bill is to remove from a sort of twilight zone a class of claims that are on exactly the same basis as claims that were allowed theretofore and claims that were allowed thereafter?

Mr. TOWNER. I could not concede that it was a twilight zone when we have an absolute decision by the Supreme Court and by the Court of Claims both on the question of law and fact.

Mr. LONGWORTH. But the adverse decision was not made by the Supreme Court, but it was made by a comptroller.

Mr. TOWNER. Yes; by the decision of a comptroller who refused to obey the decision of the Supreme Court. But we must either condemn the action that we took when we removed the bar from the Confederate soldiers or we must now give the same right to the Union soldier.

Mr. GARRETT of Texas. How long does the statute of limitations run?

Mr. TOWNER. Six years.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. PLATT. Mr. Chairman, it seems to me that there is some misunderstanding, because the report accompanying this bill is not quite as clear as might be as to some of the matters in this case. It recites the three longevity statutes—that of 1833, that of 1878, and that of 1881—the first being the ration statute, where the officers were allowed an additional ration for every five years they served. Once in a while we hear somebody talking in favor of that nowadays, but that was abolished or computed into money in 1870. Then comes the act of 1881. Each one of these acts provides that the actual time of service "in the Army or the Navy" shall be allowed to officers in computing their pay, and so forth. Of course, inasmuch as many men obtained commissions without going to West Point, the question as to whether their service in the Army as enlisted men should be counted in computing their longevity pay is a question that is quite pertinent, but it does not clearly appear in this report how it was settled.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. LONDON. I was trying to find out what longevity pay is and what is the nature of the claim.

Mr. PLATT. As I understand, every officer at the end of five years gets an addition of 10 per cent as longevity pay. He may be a captain for a long time when there is no war, but every time he passes five years he gets an increase of pay. I am right about that, am I not?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. PLATT. He does not get additional pay until after he has been in the Army a certain time. The question first came up, if he had first served in the ranks as an enlisted man whether he could count his term of service as an enlisted man toward longevity pay. As I understand it, the Comptroller of the Treasury in 1838 first decided against this, but sometime afterwards this decision was reversed. Then still later the question came up as to whether service at West Point was not also "service in the Army" within the meaning of the statute. The Supreme Court decided in 1884 that it was; that a man was a member of the Army or of the Navy when he enlisted or on admission to West Point or Annapolis, and we know that when a man does go to West Point or Annapolis he is subject to the orders of the Commander in Chief of the Army and Navy and can be sent to the front at once. Subsequent decisions, including that in the Watson case in 1899, extended the scope of the decision of 1884.

Mr. REED. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. REED. I understand the statement has been made that the comptroller decided at first as to a part of the claim. Did not the comptroller grant some portion of their claim? But they are now claiming more. Did he not settle with them for a part of the period, but not for four years?

Mr. PLATT. I think not. I think this particular comptroller, if the gentleman is referring to Mr. Gilkeson and his immediate successors, 1890-1908, ruled against the whole thing. Before his time the claims were allowed. Then he disregarded the Supreme Court decision and ruled against them, and while he was in no claims were allowed. Then after his time, after 1908, they were allowed again; but those claims that came in during the period 1890-1908 were held by later comptrollers to have been adjudicated. This bill simply allows the claims of that one period to be brought before the Court of Claims and determined.

Mr. REED. Could not some applicant have had four or five years' service in addition to the service at West Point?

Mr. PLATT. It is not a question of discrimination against men who got their commissions through enlistment in the Army first or their going to West Point. It has been possible for men to enlist in the Army and get commissions quicker than West Point men get them. I know of a case myself of a boy who failed to get an appointment to West Point who enlisted in the Army and got a commission in three years. Those things happen. The law allows the boy to count his three years of enlisted service in computing his longevity pay, but West Point service as the law now stands is not counted.

Mr. BORLAND. My understanding is clearly that the only matter in dispute is the four years' service in the academy.

Mr. PLATT. Yes; for the particular cases mentioned, others having been decided.

Mr. BORLAND. Then that is the only matter affected by this bill. The enlisted man is not benefited by it.

Mr. PLATT. The enlisted man afterwards commissioned had already been benefited by earlier decisions. As I understand it, the decision of the Supreme Court in 1884 went to that one point, whether the four years at West Point were to be computed as enlistment in the Army.

Mr. BORLAND. Yes; that has been repeatedly stated here on the floor.

Mr. PLATT. It seems to me that this bill simply provides for equal treatment for all cases of the same kind. Many of these claims have been paid. Others exactly the same have not been paid and in justice should be paid.

Mr. WEBB. Mr. Chairman, we shall have only one more speech. I desire the gentleman from Massachusetts [Mr. WALSH] to use his time.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] has 5 minutes remaining, and the gentleman from Massachusetts [Mr. WALSH] has 21 minutes.

Mr. WALSH. I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, it is, of course, perfectly obvious that a boy who goes to West Point or to Annapolis and receives an education there at the public expense is not entitled

to anything out of the Public Treasury because of any sacrifice he has made or any public service that he has rendered. There is no real merit in the claims of these officers who are now seeking to get something extra because they were permitted to go to West Point when other boys were denied that privilege. The claims stand purely upon a technicality, that an alleged discrimination was practiced against them. They have no merit in themselves. Their only argument is that somebody else got it and therefore they ought to have it. That is all there is in this bill.

Now, it is the present policy of Congress not to allow such a claim to be made. That policy is found in the act of Congress passed after this decision of the Supreme Court, which provides that no officer shall be allowed to add to his term of service for the purpose of getting longevity pay the time that he served in the academy. I find it as applicable to the Navy in the act of March 4, 1913, which provides as follows:

Hereafter the service of a midshipman at the United States Naval Academy, or that of a cadet at the United States Military Academy who may hereafter be appointed to the United States Naval Academy or the United States Military Academy shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps.

The same kind of a statute has been passed applicable to service in the Army. Therefore it is the policy of Congress not to recognize at this time any such claim whatsoever. So that so far as those are concerned who have gone to the academy since this statute was passed, they will be discriminated against if we now turn back and give it to those who went to the academy before that time.

In 1838 it was held by the comptroller that those who had gone to the Military Academy should not be allowed to compute the time they were there as a part of their service in order to get this longevity allowance. That ruling remained in force for years and years, and while it was so in force and while the law was being so construed, Congress passed an act allowing longevity pay to officers in the Army. That was the beginning of it. Congress passed that act giving this longevity pay at a time when it was being uniformly held that the time spent at the academy could not be counted in. Congress undoubtedly, so far as longevity pay is concerned, never for a moment intended that boys favored by an education at the academy should have anything additional on account of it. It was after Congress had passed that statute allowing longevity pay, at a time when the law had long been held to be that time spent at the academy could not be computed or added to other service that the Supreme Court held that technically service at the academy was service in the Army and the longevity allowance was made. The Supreme Court held as a bare technicality that this statute giving longevity pay included time spent at West Point, and that cadets might have the benefit, as though in actual Army service, of the time they served there. Those who have received this pay for service at West Point have been allowed to do so because of a technicality. They had no real merit nor equity in their claims. They ought to have been ashamed to take the money.

And I say that there is no question of Union or Confederacy here now. I am surprised that gentlemen should talk about officers in the Union Army and Confederate officers. Gentlemen, that question is not involved in this bill. It has absolutely nothing to do with it. Confederate officers were enabled to present their claims by a statute removing the bar of Confederate service. They were in no way preferred over Union officers. The law merely placed both on an equality. That question is not in it and ought not to be brought into it.

Gentlemen ought not to get up here on the floor of the House and try to justify themselves in voting money out of the Public Treasury on the ground that it goes to Union officers. It is not proposed to give it to Volunteer officers. It is only for the fellows who had the benefit of West Point education at public expense. They have no merits in their claims, but stand upon a naked legal technicality. Against that technicality I match, for the consideration of the gentleman who stands on it the fact that such claimants had their day in court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman one minute more.

Mr. HUDDLESTON. They have had their day in court. Many wrongful decisions are made by the courts. They are made every day; it is a way courts have; but Congress does not undertake to do justice or correct them merely because the courts have erred. Public auditors make mistakes every day, and when the people to whom the claims are due, instead of taking their claims to the court, allow them to sleep throughout the long years, they ought not to undertake to come before Congress, standing, as I say, on naked legal technicalities. They should not come and ask us to rip up the decisions after long

lapse of time and pay their claims when they stand on no real merit. Let us have done with such nonsense.

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. Hicks].

Mr. HICKS. Mr. Chairman, I desire to speak not upon the bill but upon another matter in which I think the House is patriotically interested. It is in reference to a service flag to commemorate the men who have gone forth from the House and enlisted in the armed forces of the United States. Nearly every building in this country, nearly every home in this Nation, is to-day decorated by a flag which is placed there in honor of the sons and fathers who have enlisted in the service of the Republic. This House has to-day on its honor roll of valiant soldiers—brave men who have gone forth wearing the uniform of the United States—the lamented Gardner of Massachusetts, Mr. LA GUARDIA of New York, Mr. HEINTZ of Ohio, and Mr. JOHNSON of South Dakota. I believe that this body should be so patriotic, so appreciative, so earnest, that we, its Members, will decorate the Hall of this House with a flag commemorating these four brave men and those that may follow them to the front.

I have already offered a resolution, Mr. Chairman, that is now pending before the Committee on Accounts, authorizing the procurement of such a flag, and I sincerely hope that it will report that resolution favorably, and that this House will indorse the action of the Committee on Accounts should they report favorably the resolution. [Applause.]

I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Chairman, there is no merit in this bill. There is no justice in it. There is no equity in it; it has no legs on which to stand. The only argument which its most ardent advocates and friends have advanced is an appeal to the fellows in the South, because they got their part of the swag a couple of years ago without any legitimate right, and the fellows in the North, who were barred from their part of the longevity pay between 1890 and 1908, were barred by an adverse decision by a Comptroller of the Treasury. Now, that is the kind of argument, but it does not appeal to me at all.

The student who goes to the Military Academy is graduated at the public expense or cost of about \$40,000 or \$60,000—I speak advisedly—to the taxpayers of the country, and it does not appeal to me with very much force when he comes to Congress and asks that these old graveyard claims, dead by the statute of limitations a long time ago, be resurrected.

Now, it is not my purpose to slander any member of the Judiciary Committee at all—far from it; but if any man wants to find out whether or not there are attorneys in this matter, let him go down to the auditor's office in the War Department. Let him go down and find out, as I have done, the attorneys that are behind these cases that have been denied between 1890 and 1908.

As I said a moment ago, I am not accusing the Judiciary Committee of anything unjust or unfair, but I am here to say to this Committee of the Whole that if there ever was an attorney's case presented on the floor of this House that never would have come here without an attorney, you are looking one now square in the face and fairly between the eyes. [Laughter.] It is an attorney's case, and that is all there is to it.

Now, with some amendments I may possibly vote for this bill. When the time comes I am going to offer an amendment, possibly two or more, and I want to ask the friends of this bill, the men who are sincere and who believe that it ought to pass, what earthly objection there can be to an amendment incorporating in the bill a provision that only the officers' widows and their children shall be allowed this longevity pay. Is there anything wrong in that? Would that destroy the bill? If your purpose be to remunerate simply the officers, if your premises are sound that they ought to have it, then are you going to insist that where the officer is dead and his widow is dead, where he has no children of his own, his nephews and nieces and uncles and aunts and collateral kin shall come into the Court of Claims and receive a part of the officer's claim or that part left by the attorney?

Another amendment I shall offer at the proper time—and I am not clear on that point as to the power of Congress—but it is that no attorney or agent of any attorney or set of attorneys shall receive a compensation in excess of 10 per cent of the amount which may be allowed by the Court of Claims.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield the gentleman one minute more.

Mr. COX. I hope some of you gentlemen will take time to go down to the auditor's office in the War Department and find out the names of some of these attorneys that have these claims.

One of the men I am reliably informed was called before a very competent committee of this House the other day with relation to steamboat inspectors. Congress has been besieged for an increase in salary of steamboat inspectors, and I think the committee was favorable to granting the increase. I know a little something about the salary of steamboat inspectors, and I think they ought to be increased. But what was finally developed? It was finally developed that the leading attorney of the vast majority of these cases now pending in the War Department had a contract with the steamboat inspectors whereby he got 10 to 20 or 25 per cent of the first year's increase of salary in the event that the bill went through Congress. That is what you are up against here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Seven minutes.

Mr. WALSH. Mr. Chairman, I understand that the gentleman from North Carolina [Mr. WEBB] has arranged to yield his time and that there will be only one more speech on that side. The gentleman from Pennsylvania, my colleague on the committee, Mr. GRAHAM, asked to get time from the gentleman from North Carolina, but he was unable to do so. Of the seven minutes remaining I desire to yield four minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I do not think I shall occupy the four minutes, but I want to correct one or two things that were not made clear in the beginning. I wish to call the attention of my colleagues to the fact that the lists published in the report of our committee are lists of the claims paid, and, of course, they go back beyond the period that was the subject of this controversy or dispute. I ask the attention of my colleagues also to the report, Appendix 2, which shows the history of this subject from the Fifty-first Congress down to this time. Bills exactly like this have been passed by the Senate of the United States, I think three times—twice I am sure of—in the history of this legislation, but they failed to pass in the House, not because of an adverse report but because they were not reached in the exigencies of the legislative period. I wish also to call the attention of my colleagues to the fact apparent in the quotation which I made from the letter of the head of the War Department in the present administration, Mr. Baker, who said that these claims were just and that they ought to be paid, and recommended to the Committee on Military Affairs that a proper and suitable bill should be introduced for the purpose of paying them; so that there has not been, as was intimated by the gentleman from Missouri [Mr. BORLAND], any instance in which these claims were turned down, repudiated, or adversely reported upon. In every instance they were recognized as fair. I wish to say one word in answer to the gentleman from Indiana [Mr. Cox]. He said the only meritorious argument found was the appeal based on the fact that certain legislation had taken place which allowed the soldiers or graduates of West Point that went into the Confederacy to get their "share of the swag," as he called it. The reference to that instance was only made to show that there was a demand in fairness and justice that the rest of those who graduated from West Point ought to receive the same consideration. Again I call attention to the fact that the argument presented based upon the statute repealing longevity rights is no argument to use against the payment of these claims. Very many of us will join with the gentleman who spoke here when he said that the four years of service at West Point at the expense of the Government ought not to be counted. I shall go as far as the gentleman from Missouri in saying that that perhaps ought not to be done, but that is not the question before us in this bill. The question before us is whether or not we can afford to dishonestly discriminate between several classes of men, shutting one side out simply because of an unfortunate decision by a comptroller and allow all the rest to be paid. It is not for us to say now what the policy of the Government ought to have been. The policy of the Government was clearly established during all those years and included in the count of longevity the period of service at the academy at West Point.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WALSH. Mr. Chairman, a great deal has been said with reference to these claims, and the appeal has been made that we ought to pass this bill in order to do equity. Since these claims were filed the United States, through its Congress, has enacted legislation which shuts out men who to-day stand in the same situation as these men stood in at the time they presented their claims, and it is said that hereafter attendance at the Military Academy shall not accrue to their benefit in getting

longevity pay. One reason why I submit that equity will not be done is because the men themselves will get no benefit from this legislation, and if you will examine the files you will ascertain that the claims are filed by administrators and by persons representing the estates of these gentlemen, who have long since passed away.

Mr. COX. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. COX. Does the gentleman know how many of these unpaid claims still remain?

Mr. WALSH. I do not; nor was there any information presented to the committee respecting it, nor do we know how much it will cost, but the gentleman from Pennsylvania [Mr. GRAHAM] admits that it will cost about a half million dollars. In these days, when we are appropriating by the billion, of course we can pass over very lightly a half-million dollar appropriation in order to be equitable and just, but up to about 1884 no one ever suspected that the period spent in the Military Academy was to be counted, and it was only because some shrewd and clever agent was able to present his claim in such a manner and get it before the Court of Claims and take it before the Supreme Court that this ruling was secured. But the Supreme Court only assumed to act and adjudicate it in so far as they assumed the Court of Claims had jurisdiction, and in following that this Comptroller of the Treasury based his ruling, namely, that the Supreme Court only assumed to determine the question raised in so far as it held the Court of Claims had jurisdiction, and the Court of Claims only had jurisdiction in that class of cases that was filed within six years.

Mr. IGOE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. And so I say that, in order to be equitable, we better know not only what it will cost but the reason for the adjudication by the Comptroller of the Treasury. I yield to the gentleman from Missouri.

Mr. IGOE. Did not the gentleman, as a member of the committee, approve an equitable claim by the State of Massachusetts from this very committee for about \$600,000 growing out of a Civil War claim in the last Congress?

Mr. WALSH. Yes; I did; but it was not based upon any such flimsy pretext as is set up to do equity in this case, as the gentleman well knows; it related to a case where money had been paid by that State.

Mr. GRAHAM of Pennsylvania. Was it not a question of getting interest on an old debt that had been carried for the Government?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WEBB. Mr. Chairman, I yield the remainder of my time to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, this matter has been so fully discussed that it is idle to try and offer anything new. I want to call the attention of the committee to the fact that no one disputes that this is a valid legal claim except so far as it may be affected by the statute of limitation. Outside of that there is no question about the propriety of it. We have paid a large number of like claims, claims standing on exactly the same footing, to the officers who joined the Confederate Army. Why, then, should we not do equal justice to the officers who served the Union during the Civil War? They say this is a technical claim. Now, is it technical? Is it any more technical than any other claim against the Government? There is a statute directing this payment. The Supreme Court has held that these officers are entitled to this pay. The Court of Claims has held the same thing. The Secretary of War says this is an honest claim and ought to be paid. It seems to me that all this discussion with reference to whether it was good policy to authorize this payment in the first instance has no real bearing upon this matter at all. That is past. The parties whom we are seeking to help are the parties who used diligence in collecting their claims from the Government. They can not be said to have slept upon their rights. They presented their claims in due course and their claims ought to have been allowed, as appear clearly by the decisions to which I have called attention.

Mr. KEATING. Will the gentleman yield?

Mr. VOLSTEAD. I do not have the time.

Mr. KEATING. Just for one question. Has the gentleman read Comptroller Gilkeson's decision?

Mr. VOLSTEAD. I read it a year or more ago, and do not remember.

Mr. KEATING. As a matter of fact, was not he merely barring those claims which were not presented within six years?

Mr. VOLSTEAD. No; as I understand it, he barred out all of these claims.

Mr. KEATING. No; those not presented within six years.

Mr. VOLSTEAD. No matter what he did, it is perfectly apparent that the claim is just and valid under the law and that these officers have a right to it. We ought to do justice to these parties, and that is all that is asked in this case.

Mr. GARRETT of Texas. I would like to ask the gentleman to clarify that a little. I think it is a very important question which the gentleman from Colorado asked whether this comptroller from 1890 to 1908 disallowed only those claims which were not filed within six years.

Mr. VOLSTEAD. I do not remember just what he held, but one thing is perfectly plain, the Secretary of War has passed upon this matter within very recent times. The Supreme Court has passed upon it and the Court of Claims has passed upon it, and they have all held that it is a fair and honest claim. It does not make any difference, it seems to me, what he did hold. He did refuse to allow the claim. It does not matter what reason he gave for his action.

Mr. GARRETT of Texas. Did he allow any claim during his administration? Were any of these claims allowed from 1890 to 1908?

Mr. KEATING. Comptroller Gilkeson did not overrule the Supreme Court's decision. On the contrary, he told his subordinates to follow that decision, but that the Supreme Court did not take jurisdiction except in so far as the Court of Claims had jurisdiction, and that the Court of Claims did not assume the jurisdiction of claims which were not filed within six years.

Mr. WEBB. I will ask the Clerk to read.

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States v. Morton, volume 112, United States Reports, page 1; and United States v. Watson, volume 130, United States Reports, page 80; and of the Court of Claims in Stewart v. United States, volume 34, Court of Claims Reports, page 553.

Mr. COX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. Will this be regarded as one section and the two paragraphs be read before any amendment can be offered?

The CHAIRMAN. The Chair is of opinion that there are two paragraphs and that each paragraph should be treated separately.

Mr. COX. Then I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add after the word "Army," in line 5, page 1, the following: "Who are living, or their widows and children."

Mr. COX. Now, Mr. Chairman, I think I said a moment ago on this amendment about all I had to say, but I would like earnestly to ask the most ardent advocates of this bill what earthly objection can they possibly have to this amendment?

What is wrong? If you want to compensate the officer, if he is alive, my amendment will let you do it. If the officer himself is dead, but his widow is living, my amendment lets you compensate her. If the officer and his widow both be dead, and they have any children living, my amendment lets you compensate them. Now, if it is justice and equity you are after, gentlemen, and that is the whole theory on which you bottom every argument that has been presented by every man who has spoken in favor of this bill, I am presenting you in this little amendment a case of equity, pure and simple.

I appeal to you, gentlemen, from another viewpoint. We ought to be just with ourselves and with our constituents before we become generous. Has the time come that when we compensate the officer, or if he be dead, then his wife, or if she be dead, then his children, that justice would say we should stop there before we go to compensating collateral kin—nephews, nieces, uncles, and aunts, and so forth?

Mr. WALSH. Will the gentleman yield?

Mr. COX. Yes.

Mr. WALSH. The gentleman's amendment is written "widows and children." Should it not be "widows or children"?

Mr. COX. That is correct.

Mr. WALSH. That should be corrected.

The CHAIRMAN. Without objection, the word "and" will be changed to "or."

There was no objection.

Mr. COX. I do not believe, as I said a moment ago, that the most ardent advocates of this bill can afford to oppose this amendment. If there be any merit at all in the entire proposed bill, it is in compensating the officers themselves. It is a peculiar thing to me—at least, somewhat peculiar—that the ardent advocates of this bill certainly had it within their power to file and make a part of their report the number of these unpaid claims that are pending down here with the Audi-

tor for the War Department and did not do it. If they had exercised a little care or a little diligence by going down there, I do not think there would have been very much trouble for them to have found out how many of these unpaid claims are still pending in the department. And I know, Mr. Chairman, it would not have been very much trouble for them to have found out these attorneys' hands that have been playing in these cases for, lo, these many years.

Now, I am not in favor of going beyond the payment of the officer, his widow, or his children. I am in favor of stopping right there. I am not in favor of paying these attorneys 50 or 75 per cent upon whatever claim may be allowed by the Court of Claims as of judgment against the United States.

Mr. ROBBINS. To what extent will your amendment affect the number of claims in this bill?

Mr. COX. I have no idea; but I have an idea it will affect it very materially.

I had no idea that any of these claims were out in my district. I have one claim in my district, in the extreme southern part of Indiana, 800 miles from here. Some attorneys who were diligent in looking after the welfare of the soldier—oh, yes—got up a claimant away out in my district—a forty-second cousin of a graduate of West Point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I would like to have two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. COX. About a forty-second cousin of a graduate of West Point. And I speak almost authoritatively when I put that multiplication to it. Before I wrote the party that I refused to support this legislation I took some precaution to find out who the party was and who his ancestor was. The relationship between them was about in the fourth degree. I promptly wrote the party that I would not support the bill, that I would not support it or any other as unmeritorious a claim from my district.

To sum this whole matter up, as I said a while ago—and I am not slamming the Judiciary Committee at all—I wish to say that you are dealing here with an attorney's case. When you pass this bill you will put in the pockets of certain attorneys here in the city of Washington, who are diligent to the day of judgment, not less than \$250,000. That is what you are going to do. With a war in which we are spending billions, is this a war measure? No. Shall we put it upon that ground and run our hands into the Treasury of the United States and take out of there \$500,000, one-half to go to attorneys in this city? No.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MADDEN. Mr. Chairman, I confess I was rather inclined from a sentimental viewpoint to favor the enactment of this law, but I have listened to the amendment of the gentleman from Indiana [Mr. Cox], and I concur in the view that he has presented to the House. If there be any right, it must lie in the allowance of the claim first to the man who served; and if he be dead, to his widow; and if she be dead, to their children. And I verily believe it ought not to go beyond that. If we go beyond that, we appropriate the money out of the Treasury for the payment of attorneys' fees in large measure. And I am opposed to the payment of money from the Treasury of the United States to men who have been lobbying for the enactment of a law for the payment of bills that have long since gone beyond the realm of legality under the law.

And so I say that if we want to do justice, if we want to do equity, if we want to be fair to ourselves and to the Treasury of the United States, we can afford to agree with the gentleman from Indiana [Mr. Cox] and adopt the amendment which he has suggested, which does ample justice to everybody that ought to be concerned in the case.

Mr. ROWE. Will the gentleman yield there?

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. DOWELL. Does the gentleman understand that this amendment applies to children, whether they be of age or not? Or does it apply to those under age?

Mr. MADDEN. Well, it applies to the children of the soldier and his widow. If neither the soldier nor his widow be left, it applies to the children, whether they are of age or under age.

Mr. ROWE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROWE. I have a case similar to that kind, where a man was a Civil War veteran, and he died and left three children. Two of those are dead now, but they left some little children.

In that event it would all go to one middle-aged woman and cut off those three children, his direct heirs.

Mr. MADDEN. I think the amendment of the gentleman from Indiana goes far enough. Of course, if you extend it to meet the case cited by my friend from New York you would have to extend it to meet the case of a nephew or a thirty-second cousin, or some other collateral heir, no matter how far distant, and there ought to be a line beyond which we will not go. The line has been drawn by this amendment, and it is just and fair and decent, not only to the claimants but to ourselves and to the people of the United States, for whom we speak. [Applause.]

Mr. BORLAND. Mr. Speaker, there is a special need why this amendment of the gentleman from Indiana [Mr. Cox] should pass and why his strictures about the attorneys' case are quite applicable. Nobody, of course, who knows the membership of the Committee on the Judiciary imagines that that is any reflection upon their consideration of this legislation or upon them; but I call the attention of the committee to the fact that this bill reads in its first line—

That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made.

Now mind: This whole bill is applicable only to a narrow class of cases, those where findings of fact have heretofore been made by the Court of Claims. So all of this argument about this bill not discriminating against anybody falls to the ground. This very bill is going to discriminate against everybody except those whose findings of fact have heretofore been made. Now, those findings of fact have heretofore been made only upon the claims of those who have employed attorneys to present their cases to the Court of Claims. That is just as plain as sunlight. During the 18 years in which this ruling was in force, from 1890 to 1908, when it was being held by the Comptroller of the Treasury that only such claims as the Court of Claims had taken jurisdiction of and the Supreme Court had affirmed would pass the muster of the Treasury, doubtless there were many other claims that did not pass muster, but they are not included here. However meritorious those officers may have been, they did not get in during that period, they did not get their claims before the Court of Claims, and they did not employ any attorney, and therefore they are not in this bill, because this bill says that only those whose findings of fact have heretofore been made shall have any advantage from this bill.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman permit a question?

Mr. BORLAND. In just a minute. It gives the court power to enter judgment in cases where the findings of fact have heretofore been made, and that confines it to the class of cases that some attorney has already had charge of.

Mr. GRAHAM of Pennsylvania. You say that is discriminatory. Have not all the others been paid?

Mr. BORLAND. No.

Mr. GRAHAM of Pennsylvania. I say they have been.

Mr. BORLAND. It is perfectly manifest from the information that was given about Comptroller Gilkeson's decision that what he did was that he ordered the auditor to allow all claims of which the court had taken jurisdiction, which included all claims filed within six years, and not to allow the claims of which the court had not taken jurisdiction; and that decision clearly indicates that there were some claims that fell outside his ruling. That is perfectly evident to me, and it must be perfectly evident to every lawyer in this body. There must have been certain cases that fell outside of that ruling. The cases that come under this bill are the cases where some attorney has taken the claims and presented them to the Court of Claims and secured findings of fact, and those findings of fact are now before this body.

Now, that being the case, it is specially necessary that this amendment be passed concerning this payment, not to the estate generally of the claimant or to his collateral heirs, but to the claimant himself and to those dependent upon him, his widow and children. I purpose to follow this by an amendment limiting to 10 per cent the amount that any attorney can be paid of any one of these claims. Now, I do not feel authorized to present my amendment unless if adopted I would vote for the bill, and I assume that the gentleman from Indiana [Mr. Cox] takes the same position. It seems to me that if we present these amendments and the House agrees to them, we are in some measure bound to support the bill, whatever might be our general view about the equities of it. But it does seem to me that these two propositions are absolutely essential in order that this House and the Treasury shall not be imposed upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, with respect to the amendment that has been offered I wish to say that in my judgment it is not founded in right. Either these men have

a claim that is established and just or they have not. If this Congress were making a gift to these men, that would be one question. But if we are simply correcting an error committed by an officer of the Government, that excluded their claims from consideration unrighteously, you have no right to debar any of the persons who would be interested in the estate of a deceased soldier from participation in a legal and just claim. You are not granting these men a favor; you are granting them a right. All who preceded were paid; all who came afterwards were paid; and this list of men were just as much entitled to their money and to have it devolve according to law as any of those who received their money, and to put this limitation on it is not to act in accordance with the spirit of justice. Besides, I understand the gentleman from Illinois adopted the interpretation of this amendment that if there were grandchildren of these soldiers they could not inherit. What right have you to deny to the blood of the men who earned and deserved this compensation that their relatives in that degree at least shall participate in the distribution of whatever money is recovered? [Applause.]

Mr. DOWELL. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DOWELL. As a matter of law, would not the grandchildren inherit under this bill from those who are entitled to it as children?

Mr. GRAHAM of Pennsylvania. No; not if you limit it in this bill. I am sorry to say it would limit it to soldiers who are living and their widows or children.

Mr. DOWELL. But it does not limit it to living children, and if it went to the children by inheritance it would then go to the grandchildren.

Mr. GRAHAM of Pennsylvania. Not unless they had a vested interest.

Mr. DOWELL. Would not that be true in case of a will?

Mr. GRAHAM of Pennsylvania. That is a different matter. That is different from the interpretation of a statute which recognizes the right solely upon the theory that it shall go to the widow or children. Children are a well-designated, specified class. The comptroller could only consider the claim when presented by the persons named in the act.

Mr. DOWELL. But if this is a claim which has been established, and is now a part of the estate, is it not true that the grandchildren would take the part that belonged to the child as a matter of law?

Mr. GRAHAM of Pennsylvania. Here is the difficulty. There is no method of enforcing the claim except by virtue of the power granted in this act of Congress to the comptroller to review the decision of a previous comptroller, or to the Court of Claims to enter judgment upon a state of facts already proved before them, and no award could be made to anyone outside of those specifically named in the act.

Mr. SANFORD. That might apply after the passage of this act.

Mr. GRAHAM of Pennsylvania. Yes; that might apply after the passage of this act with a vested right. Then I think the gentleman's theory of the law might possibly be applicable, but until then it would not prevail.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Here are some claims the payment of which is sought after many times and many years of refusal by Congress in time of peace, when there was a full Treasury to pay the same. Now, what is the condition of the country? In the first place, by voluntary contributions by the hundreds of millions, to the Red Cross, to the Young Men's Christian Association, to the Knights of Columbus, everywhere, men and women, North and South, are called upon, outside of taxation, from the standpoint of patriotism, to help the present in the great contest for the future. There are claims enough against the Government—some of them perchance with equity, most of them without equity, nearly all of them barred by the statute of limitation—to patch hell a mile. [Laughter and applause.] We passed on yesterday a second deficiency bill for over a billion dollars for the present year, and, as I recollect, a further deficiency, after extraordinary appropriations made on recommendations of the committee having jurisdiction, of over \$2,000,000,000.

We are financing our allies by the multiplied billions. We are taxing ourselves and our constituents world without end. We are supporting the Army in its preparation for its service abroad and building a Navy by the billions of dollars. And yet here comes this claim that in God's chancery never ought to have been allowed or authorized. [Applause.] They say that it is confined to the graduates of West Point. I think it is broader than that, as I explained before. With that which we have at the present time for voluntary donation, when you consider all the industries to win this war and all the organizations

to enable us to win it, when you consider that we have already run two liberty loans and another coming to double both of them, with another revenue bill in sight, let us deal with the present instead of hatching up claims of doubtful character and beginning to vitalize them.

If it be in order, Mr. Chairman, when this amendment is disposed of, I will move to strike out the enacting clause. [Applause.]

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

TL. CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Is not the proposed motion of the gentleman from Illinois to strike out the enacting clause now in order?

The CHAIRMAN. The Chair is of opinion that it is in order at any time.

Mr. CANNON. Then, Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause.

Mr. WEBB. But, Mr. Chairman, the bill has not yet been read under the five-minute rule.

The CHAIRMAN. As the Chair stated, the motion is in order at any time, and the question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. GRAHAM of Pennsylvania) there were—ayes 54, noes 28.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1691) to confer jurisdiction on the Court of Claims, and had directed him to report the same back with an amendment striking out the enacting clause.

Mr. CANNON. Mr. Speaker, I move the previous question.

The question was taken.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I raise the point of no quorum.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 33, noes 53.

So the motion to adjourn was not agreed to.

The SPEAKER. The gentleman from Pennsylvania makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. The question is on the motion of the gentleman from Illinois for the previous question, and the Clerk will call the roll.

The question was taken; and there were—yeas 261, nays 51, answered "present" 4, not voting 112, as follows:

YEAS—261.

Alexander	Cooper, W. Va.	Flood	Hicks
Almon	Cooper, Wis.	Fordney	Hilliard
Anderson	Cox	Foster	Huddleston
Ashbrook	Crago	Francis	Hull, Tenn.
Aswell	Cramton	Frear	Humphreys
Ayres	Cris	Freeman	Hutchinson
Bacharach	Crosser	French	Igoe
Baer	Currie, Mich.	Fuller, Ill.	Ireland
Bankhead	Dale, N. Y.	Gallagher	Jacoway
Barkley	Dale, Vt.	Gard	James
Barnhart	Darrow	Garner	Johnson, Ky.
Beakes	Decker	Garrett, Tenn.	Keating
Bell	Dempsey	Garrett, Tex.	Kehoe
Beshlin	Dent	Gillett	Kelly, Pa.
Black	Denton	Glass	Kennedy, Iowa
Bland	Dickinson	Glynn	Kennedy, R. I.
Blanton	Dies	Godwin, N. C.	Kettner
Borland	Dill	Goodall	Key, Ohio
Brand	Dillon	Gordon	Kincheloe
Browne	Dixon	Gould	King
Buchanan	Domineck	Gray, N. J.	Kinkaid
Burnett	Doolittle	Greene, Mass.	Kitchin
Burrhoughs	Doughton	Grege	Knutson
Byrnes, S. C.	Dowell	Hadley	Kreider
Byrns, Tenn.	Drane	Hamilton, Mich.	La Follette
Caldwell	Dunn	Hamilton, N. Y.	Langley
Campbell, Kans.	Dupré	Hamlin	Larsen
Campbell, Pa.	Eagan	Harrison, Miss.	Lazaro
Cannon	Edmonds	Harrison, Va.	Lee, Cal.
Carew	Elliot	Hastings	Lee, Ga.
Carter, Okla.	Ellsworth	Haugen	Lehibach
Cary	Esch	Hawley	Lenroot
Chandler, Okla.	Evans	Heaton	Leshner
Clark, Pa.	Farr	Helm	Lever
Claypool	Fess	Helvering	Little
Collier	Fields	Hersey	Littlepage
Connally, Tex.	Fisher		Lobeck
Connelly, Kans.			London

Loneragan	Park	Siegel	Voigt
Lundeen	Parker, N. Y.	Sinnott	Waldow
Lunn	Peters	Sisson	Walsh
McAndrews	Phelan	Sloan	Walton
McArthur	Polk	Smith, C. B.	Ward
McClintic	Purnell	Smith, T. F.	Wason
McKenzie	Quin	Snell	Watson, Va.
McKeown	Raker	Snook	Weaver
McKinley	Ramsey	Snyder	Webb
McLaughlin, Mich.	Ramseyer	Stafford	Wetly
McLemore	Randall	Steagall	Wheeler
Madden	Rankin	Stephens, Miss.	White, Me.
Mansfield	Reed	Stevenson	White, Ohio
Mapes	Rogers	Stiness	Williams
Martin	Romjue	Sweet	Wilson, Ill.
Mays	Rouse	Swift	Wilson, Tex.
Merritt	Rowland	Switzer	Wingo
Montague	Rubey	Tague	Wise
Moon	Russell	Taylor, Ark.	Wood, Ind.
Neely	Sanders, Ind.	Temple	Woods, Iowa
Nelson	Sanford	Thomas	Woodyard
Norton	Saunders, Va.	Thompson	Wright
Oliver, N. Y.	Schall	Tillman	Young, N. Dak.
O'Shaunessy	Sears	Tilson	Young, Tex.
Overmyer	Sells	Timberlake	Zihlman
Overstreet	Shackleford	Van Dyke	
Padgett	Shallenberger	Venable	
Palge	Sherwood	Vinson	

NAYS—51.

Austin	Graham, Pa.	Morin	Sims
Butler	Green, Iowa	Mott	Slayden
Caraway	Griest	Nolan	Slemp
Carlin	Hull, Iowa	Oldfield	Smith, Idaho
Classon	Johnson, Wash.	Parker, N. J.	Smith, Mich.
Davidson	Juni	Platt	Steele
Davis	Kearns	Pratt	Stephens, Nebr.
Dewalt	Kless, Pa.	Robbins	Sterling, Ill.
Fairchild, B. L.	Lufkin	Rose	Strong
Fairfield	McFadden	Rowe	Tinkham
Focht	Mason	Sanders, N. Y.	Vestal
Foss	Moore, Ind.	Scott, Pa.	Volstead
Graham, Ill.	Morgan	Shouse	

ANSWERED "PRESENT"—4.

Browning	Goodwin, Ark.	Hardy	Treadway
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NOT VOTING—112.

Anthony	Ferris	McCormick	Rucker
Blackmon	Flynn	McCulloch	Sabath
Booher	Fuller, Mass.	McLaughlin, Pa.	Sanders, La.
Bowers	Gallivan	Magee	Scott, Iowa
Britten	Gandy	Maher	Scott, Mich.
Brodbeck	Garland	Mann	Scully
Brumbaugh	Good	Meeker	Sherley
Candler, Miss.	Gray, Ala.	Miller, Minn.	Small
Cantrill	Greene, Vt.	Miller, Wash.	Stedman
Capstick	Haskell	Mondell	Steenerson
Carter, Mass.	Hayden	Moore, Pa.	Sterling, Pa.
Chandler, N. Y.	Hayes	Mudd	Sullivan
Church	Helntz	Nicholls, S. C.	Summers
Clark, Fla.	Hensley	Nichols, Mich.	Talbot
Coady	Holland	Oliver, Ala.	Taylor, Colo.
Cooper, Ohio	Hollingsworth	Olney	Templeton
Copley	Hood	Osborne	Towner
Costello	Houston	Porter	Vare
Curry, Cal.	Howard	Pou	Walker
Dallinger	Husted	Powers	Watkins
Denison	Johnson, S. Dak.	Price	Watson, Pa.
Dooling	Jones, Tex.	Ragsdale	Welling
Doremus	Jones, Va.	Rainey	Whaley
Drukker	Kahn	Rayburn	Wilson, La.
Dyer	Kelley, Mich.	Reavis	Winslow
Eagle	Kraus	Riordan	
Emerson	LaGuardia	Roberts	
Estopinal	Linthicum	Robinson	
Fairchild, G. W.	Longworth	Rodenberg	

So the previous question was ordered.

The Clerk announced the following pairs.

Until further notice:

Mr. CLARK of Florida with Mr. GREENE of Vermont.

Mr. TALBOTT with Mr. BROWNING.

Mr. HOLLAND with Mr. FULLER of Massachusetts.

Mr. BOOHER with Mr. TREADWAY.

Mr. CANDLER of Mississippi with Mr. MAGEE.

Mr. ESTOPINAL with Mr. EMERSON.

Mr. BRODBECK with Mr. CARTER of Massachusetts.

Mr. BRUMBAUGH with Mr. DENISON.

Mr. COADY with Mr. GARLAND.

Mr. DOREMUS with Mr. BOWERS.

Mr. CHURCH with Mr. BRITTEN.

Mr. FERRIS with Mr. COOPER of Ohio.

Mr. WATKINS with Mr. GOOD.

Mr. FLYNN with Mr. HAYES.

Mr. JONES of Virginia with Mr. LONGWORTH.

Mr. GALLIVAN with Mr. HUSTED.

Mr. LINTHICUM with Mr. MONDELL.

Mr. GRAY of Alabama with Mr. KELLEY of Michigan.

Mr. OLNEY with Mr. MECKER.

Mr. HAYDEN with Mr. MUDD.

Mr. POU with Mr. REAVIS.

Mr. HOUSTON with Mr. MOORE of Pennsylvania.

Mr. PRICE with Mr. KRAUS.

Mr. RAYBURN with Mr. SCOTT of Michigan.

Mr. RUCKER with Mr. RODENBERG.

Mr. ROBINSON with Mr. STEENERS.

Mr. SABATH with Mr. ROBERTS.

Mr. SMALL with Mr. STERLING of Illinois.

Mr. SCULLY with Mr. CURRY of California.

Mr. STERLING of Pennsylvania with Mr. POWERS.

Mr. SHERLEY with Mr. TOWNER.

Mr. WEALEY with Mr. NICHOLS of Michigan.

Mr. TAYLOR of Colorado with Mr. OSBORNE.

Mr. WILSON of Louisiana with Mr. COPLEY.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on adopting the report of the committee striking out the enacting clause of House bill 1601.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. WEBB. Mr. Speaker, on that I ask for a division.

The House divided; and there were—yeas 148, nays 81.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Fifty-eight gentlemen have risen, a sufficient number, and the Clerk will call the roll.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GRAHAM of Pennsylvania. A vote of "yea" defeats this bill and a vote of "nay" sustains it. Is that correct?

The SPEAKER. That is correct, although that is not a parliamentary inquiry.

The question was taken; and there were—yeas 172, nays 141, answered "present" 3, not voting 112, as follows:

YEAS—172.

Alexander	Denton	Humphreys	Randall
Almon	Dickinson	Hutchinson	Rankin
Anderson	Dies	James	Rayburn
Ashbrook	Dill	Johnson, Ky.	Romjue
Aswell	Dillon	Keating	Rouse
Ayres	Dixon	Kehoe	Rubey
Bankhead	Dominick	Kennedy, Iowa	Russell
Barkley	Doolittle	Key, Ohio	Sanford
Barnhart	Doughton	Kinchelee	Sears
Beakes	Dowell	Kinkaid	Shackleford
Bell	Drane	Lazaro	Shallenberger
Beshlin	Eagan	Lee, Ga.	Sherwood
Black	Edmonds	Lehibach	Siegel
Blanton	Elston	Lenroot	Sisson
Borland	Esch	Leshner	Sloan
Brand	Evans	Lever	Smith, C. B.
Browne	Fess	Little	Smith, T. F.
Buchanan	Fordney	Lobeck	Snook
Burnett	Foster	London	Snyder
Burroughs	Francis	McAndrews	Stafford
Byrnes, S. C.	Frear	McClintic	Steagall
Byrns, Tenn.	Gallagher	McKenzie	Steenerson
Caldwell	Garner	McLaughlin, Mich.	Stevens, Miss.
Campbell, Kans.	Garrett, Tenn.	Madden	Stevenson
Campbell, Pa.	Garrett, Tex.	Mansfield	Stinson
Cannon	Gillett	Mapes	Sweet
Carew	Glynn	Martin	Swift
Cary	Godwin, N. C.	Mays	Tague
Claypool	Gordon	Moon	Thomas
Collier	Gould	Nelson	Thompson
Connally, Tex.	Gray, N. J.	Norton	Timberlake
Connolly, Kans.	Gregg	Oliver, N. Y.	Van Dyke
Cooper, W. Va.	Hamilton, Mich.	Overmyer	Vinson
Cooper, Wis.	Hamilton, N. Y.	Overstreet	Waldow
Cox	Hamlin	Padgett	Walsh
Cramton	Hardy	Park	Weaver
Crisp	Harrison, Miss.	Parker, N. Y.	White, Me.
Crosser	Helm	Peters	Williams
Currie, Mich.	Helvering	Polk	Wilson, Tex.
Dale, N. Y.	Hersey	Quin	Wise
Dale, Vt.	Hicks	Raker	Woodward
Decker	Hillard	Ramsey	Wright
Dempsey	Huddleston	Ramseyer	Young, Tex.

NAYS—141.

Austin	Fisher	Ireland	Montague
Bacharach	Flood	Jacoway	Moore, Ind.
Bland	Focht	Johnson, Wash.	Morgan
Butler	Foss	Juul	Morin
Cantrill	Freeman	Kearns	Mott
Caraway	French	Kelly, Pa.	Mudd
Carlin	Fuller, Ill.	Kless, Pa.	Neely
Carter, Okla.	Gard	King	Nichols, Mich.
Chandler, Okla.	Good	Kitchin	Nolan
Clark, Pa.	Goodall	Knutson	Oldfield
Classon	Goodwin, Ark.	Kreider	Osborne
Crago	Graham, Ill.	La Follette	O'Shaunessy
Darrow	Graham, Pa.	Langley	Paige
Davis	Green, Iowa	Lea, Cal.	Parker, N. J.
Denison	Greene, Mass.	Lonegan	Phelan
Dent	Griest	Lufkin	Pratt
Dewalt	Hadley	Lundeen	Purnell
Dunn	Harrison, Va.	Lunn	Reavis
Dupré	Hastings	McArthur	Reed
Elliott	Haugen	McCulloch	Robbins
Ellsworth	Hayden	McFadden	Roberts
Fairchild, B. L.	Heaton	McKeown	Rogers
Fairfield	Hull, Iowa	McLemore	Rose
Farr	Hull, Tenn.	Mason	Rowe
Fields	Igoe	Merritt	Sanders, Ind.

Sanders, N. Y.
Saunders, Va.
Schall
Scott, Pa.
Sells
Shouse
Sims
Sinnott
Slayden
Slomp
Small

Smith, Idaho
Smith, Mich.
Snell
Steele
Sterling, Ill.
Strong
Switzer
Taylor, Ark.
Temple
Tillman
Tilson

Tinkham
Venable
Vestal
Volstead
Walton
Ward
Wason
Watkins
Watson, Va.
Webb
Welby

Wheeler
White, Ohio
Wilson, Ill.
Wingo
Wood, Ind.
Woods, Iowa
Young, N. Dak.
Zihman

ANSWERED "PRESENT"—4.

Browning

Larsen

Sabath

Treadway

NOT VOTING—111.

Anthony
Baer
Blackmon
Booher
Bowers
Britten
Brodbeck
Brumbaugh
Candler, Miss.
Capstick
Carter, Mass.
Chandler, N. Y.
Church
Clark, Fla.
Coady
Cooper, Ohio
Copley
Costello
Curry, Cal.
Dallinger
Davidson
Doelling
Doremus
Drukker
Eagle
Emerson
Estopinal

Fairchild, G. W.
Ferris
Flynn
Fuller, Mass.
Gallivan
Gandy
Garland
Glass
Gray, Ala.
Greene, Vt.
Hamill
Haskell
Hawley
Hayes
Hefflin
Heintz
Hensley
Holland
Hollingsworth
Hood
Houston
Howard
Husted
Johnson, S. Dak.
Jones, Tex.
Jones, Va.
Kahn
Kelley, Mich.

Kennedy, R. I.
Kettner
Kraus
LaGuardia
Linthicum
Littlepage
Longworth
McCormick
McKinley
McLaughlin, Pa.
Magee
Maher
Mann
Meeker
Miller, Minn.
Miller, Wash.
Mondell
Moore, Pa.
Nichols, S. C.
Oliver, Ala.
Olney
Platt
Porter
Pou
Powers
Price
Ragsdale
Rainey

Riordan
Robinson
Rodenberg
Rowland
Rucker
Sanders, La.
Scott, Iowa
Scott, Mich.
Scully
Sherley
Stedman
Stephens, Nebr.
Sterling, Pa.
Sullivan
Sumners
Talbot
Taylor, Colo.
Templeton
Townner
Vare
Voigt
Walker
Watson, Pa.
Welling
Whaley
Wilson, La.
Winslow

So the motion to strike out the enacting clause was agreed to. The Clerk announced the following additional pairs:

Until further notice:

Mr. HAMILL with Mr. ANTHONY.

Mr. LARSEN with Mr. PLATT.

Mr. GLASS with Mr. HAWLEY.

Mr. HEFLIN with Mr. DAVIDSON.

Mr. STEPHENS of Nebraska with Mr. MCKINLEY.

Mr. WELLING with Mr. KENNEDY of Rhode Island.

Mr. MCARTHUR. Mr. Speaker, I voted "nay" on the first call. I have a pair with the gentleman from Louisiana, Mr. DUPRE, and desire to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. CANNON, a motion to reconsider the vote by which the enacting clause was stricken out was laid on the table.

LEAVE OF ABSENCE.

Mr. CANDLER of Mississippi, by unanimous consent, was granted leave of absence, for three days, on account of illness.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, February 21, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Commerce, submitting supplemental estimate of appropriation required by the Department of Commerce for the fiscal year 1919 (H. Doc. No. 953), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 10022) authorizing the Secretary of the Treasury to purchase the site and building now under construction thereon known as the Arlington Hotel property, reported the same without amendment, accompanied by a report (No. 325), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8514) granting a pension to Charles H. Jessee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8685) granting a pension to Alonzo Hutchison; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9335) granting an increase of pension to Archie V. Chambers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9528) granting an increase of pension to Phebe Schonhoff; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 10063) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917; to the Committee on Agriculture.

By Mr. ALEXANDER: A bill (H. R. 10064) to amend an act approved May 9, 1888, as amended by the act of June 11, 1896, as amended by the act approved January 21, 1914; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: A bill (H. R. 10065) requiring receivers for national banks to file accounts in the district courts of the United States; to the Committee on Banking and Currency.

By Mr. TREADWAY: A bill (H. R. 10066) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: A bill (H. R. 10067) amending section 3141 of the Revised Statutes of the United States, as amended by the act of July 16, 1914; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 10068) to punish the destruction and injury to property essential to the national security and defense; to the Committee on the Judiciary.

By Mr. SMALL: A bill (H. R. 10069) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: A bill (H. R. 10070) amending section 3285 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: A bill (H. R. 10071) increasing rates of pensions of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. McLEMORE: Resolution (H. Res. 254) instructing the Judiciary Committee to inquire into the constitutionality of the vote by which the prohibition amendment was recently passed; to the Committee on Rules.

By Mr. HELVERING: Joint resolution (H. J. Res. 250) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from \$2 to \$2.75 per bushel; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 10072) granting an increase of pension to James G. Overstreet; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 10073) granting an increase of pension to Simeon Chapman; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 10074) granting an increase of pension to C. W. Kerlee; to the Committee on Pensions.

By Mr. DALE of Vermont: A bill (H. R. 10075) for the relief of Oscar F. Perry; to the Committee on Military Affairs.

By Mr. DRANE: A bill (H. R. 10076) granting an increase of pension to C. B. Bristol; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 10077) granting an increase of pension to John A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10078) granting a pension to Isabella Parsons; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10079) for the relief of James Kash Kash; to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 10080) for the relief of Thomas H. Thorp; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 10081) granting a pension to Carey O. Amsbaugh; to the Committee on Pensions.

By Mr. LUNDEEN: A bill (H. R. 10082) for the relief of Catherine Mahady; to the Committee on Military Affairs.

Also, a bill (H. R. 10083) to correct the military record of the late Henry Smith, alias Henry Schmidt, alias Heinrich Schmidt; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 10084) granting an increase of pension to Sidney W. Clark; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10085) granting an increase of pension to William Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10086) granting an increase of pension to Harrison Ruark; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 10087) granting an increase of pension to Mathias Steffas; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 10088) granting a pension to Julia A. Burton; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10089) granting an increase of pension to Milton T. Bedford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10090) granting a pension to Mary Kirchner; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 10091) granting an increase of pension to Joseph Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10092) granting an increase of pension to William H. Rees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10093) granting an increase of pension to John Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10094) granting an increase of pension to George M. Foresman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10095) granting an increase of pension to Stanley Hallman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10096) granting an increase of pension to Theodore C. Sargent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10097) granting an increase of pension to Miles Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10098) granting an increase of pension to William Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10099) granting an increase of pension to Jack Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10100) granting an increase of pension to Ephraim J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10101) granting an increase of pension to John McKinley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10102) granting an increase of pension to Hezekiah Axson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10103) granting an increase of pension to Missouri L. Herron; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Frederick Doyle, of Chicago, Ill., and a resolution of the Progressive Literary and Fraternal Club, Bellingham, Wash., asking for the repeal of the postal amendment to the war-revenue act; to the Committee on Ways and Means.

By Mr. CAREW: Resolution of the Republican Club of the city of New York, urging universal military training; to the Committee on Military Affairs.

By Mr. CARY: Petition of the mayor of Sea Bright, N. J., asking for appropriation to protect the entrance to Sandy Hook; to the Committee on Rivers and Harbors.

Also, memorial of the Railway Mail Association, tenth division, Watertown-Portage branch, asking for the passage of House bill 9414; to the Committee on the Post Office and Post Roads.

Also, petition of A. A. Jones, secretary Cheese Shippers' Traffic Association, urging amendment of the pending railroad bill so that the Interstate Commerce Commission shall have full jurisdiction over freight rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Frederick Doyle, of Chicago, Ill., and resolutions of the Progressive Literary and Fraternal Club, Bellingham, Wash., and the Woman's Improvement Club, Corona, Cal.

urging the repeal of periodical postage amendment to the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of H. W. Van Tassel, Thomas Curran, J. Murray, George L. Woodward, and 18 others of the Musicians' Union, No. 17; also petition of M. V. B. Gifford, J. H. Durfield, L. E. Stancliff, F. D. Hatch, and 39 others, praying for the passage of House bill 7995 for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of Maude N. Brodeur and 11 other citizens of Berkeley, Cal., indorsing the Kelly bill, House bill 8761; also a resolution of the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., favoring the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, petition of P. Hall Packer, mayor of Sea Bright, N. J., asking for an appropriation to protect the entrance to Sandy Hook; to the Committee on Rivers and Harbors.

Also, petition of Frederick Doyle, Chicago, Ill., and resolution of the Mishkawaka Woman's Club, Mishkawaka, Ind., asking for the repeal of the periodical postage amendment of the war-revenue act; to the Committee on Ways and Means.

By Mr. DARROW: Resolutions of the Lumbermen's Exchange, of Philadelphia, Pa., in behalf of the creation of a board of war control and the appointment of a director of munitions; to the Committee on Military Affairs.

Also, petition of the Philadelphia Central Labor Union in behalf of the Madden bill, House bill 1654; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of Fred Felton and 18 other citizens of South Dakota, asking for the repeal of the periodical postage amendment to the war-revenue act; to the Committee on Ways and Means.

Also, petition of A. C. Ellerman and 110 other citizens of South Dakota, asking that the spring game law, in reference to duck and goose shooting, be suspended for the duration of the war; to the Committee on Agriculture.

By Mr. DOOLING: Memorial of Brooklyn Surgical Society, favoring advanced rank for officers of the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. ESCH: Papers in support of House bill 786, granting a pension to Lilla J. Darling; House bill 792, granting an increase of pension to William B. Hazeltine; House bill 796, granting an increase of pension to Silas D. Taylor; House bill 794, granting an increase of pension to Jesse Mather; House bill 788, granting a pension to Arabella Miller; House bill 787, granting a pension to Mary E. Jenks; and House bill 785, granting a pension to Hiram C. Barrows; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of the Progressive Literary and Fraternal Club of Bellingham, Wash., and of Frederick Doyle, of Chicago, for repeal of the increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of Mrs. Bessie Fowler, of South Haven, Mich., for the Woman's Home Missionary Society of the Methodists of Kalamazoo District and for the Young People's work of the same society, protesting against the passage of Senate bill 3476; to the Committee on the District of Columbia.

By Mr. LINTHICUM: Resolution of Zeta Lodge, No. 2405, Fraternal Aid Union, favoring increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

Also, a letter from Charles W. Hess, Baltimore, Md., urging the passage of the Van Dyke bill increasing salaries of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of C. M. Gray, Baltimore, Md., favoring the Keating bill, House bill 7356; to the Committee on Appropriations.

Also, petition of John T. Stone, and memorials of the Medical and Chirurgical Faculty of Maryland, the Baltimore City Medical Society, and the Council Medical Chirurgical Faculty of Maryland, all favoring legislation creating advanced rank for officers of the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. LONERGAN: Petition of the Cosmopolitan Club of Manchester, Conn., for the repeal of the postal increase; to the Committee on Ways and Means.

Also, resolutions of the Typographical Union of New Britain, Conn., protesting against the importation of Chinese coolies for labor or other purposes; to the Committee on Immigration and Naturalization.

By Mr. LUNDEEN: Petition of Minnehaha Lodge, No. 624, Brotherhood of Railroad Trainmen, Minneapolis, Minn., W. P. Kennedy, president, in opposition to section 9 of House bill 8172 or any compensation law affecting railway employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of Edwin Boutwell and others, that Congress define the number of hours that shall constitute a day's work, and that all work performed for the department shall be included in the day's work; also that all substitute railway clerks shall receive the same allowance for study that the regularly assigned clerks receive; and that the Van Dyke and Madden bills be passed with the provision "for the period of the war" struck out; to the Committee on the Post Office and Post Roads.

Also, petition of Col. Earl D. Luce, that Congress take over the short-line railroads; to the Committee on Railways and Canals.

Also, petition of the Plasterers and Cement Finishers of Minneapolis and St. Paul, by William Olson, financial secretary and business agent, St. Paul, Minn., requesting that Congress have the hospital buildings which the Government is now constructing at the various cantonments plastered to assure the comfort and health and sanitation of our soldiers; to the Committee on Military Affairs.

Also, petition of Hearts of Oak Lodge, No. 525, Brotherhood of Railroad Trainmen, Minneapolis, Minn., by M. O. Woods, president, in opposition to section 9 of House bill 8172; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minneapolis Local, No. 30, Switchmen's Union of North America, by Morris Full, secretary, Minneapolis, Minn., in opposition to section 9 of House bill 8172; to the Committee on Interstate and Foreign Commerce.

By Mr. REED: Papers in support of House bill 9075; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10049; to the Committee on Pensions.

By Mr. WARD: Petition of Rev. H. Smith and other citizens of Woodbourne, N. Y., favoring enactment of Webb-Thompson bill, and other prohibition legislation pending in Congress; to the Committee on the Judiciary.

SENATE.

THURSDAY, February 21, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we call upon Thee from day to day as we come to face the solemn responsibilities of this place and hour. We would gain a deep appreciation of those rights and obligations that lie deeper than human government, deeper than all that we have control of in life. We pray Thee to give us spiritual vision to know the things that pertain to life eternal, that we may have constantly in view the everlasting kingdom of God. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

NATIONAL ACADEMY OF SCIENCES.

The VICE PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year ended December 31, 1917, which was referred to the Committee on Printing.

ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting a supplemental estimate of appropriations in the sum of \$150,000 required by the Bureau of Mines for investigations concerning minerals needed for war purposes for the fiscal year 1918 (S. Doc. No. 178), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster General submitting a supplemental estimate of appropriation in the sum of \$1,185,000 required by the Postal Service for the fiscal year 1918 for the manufacture of stamps, stamped envelopes, stationery, etc., payable from postal revenues (S. Doc. No. 177), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 70) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing of 350,000 copies of the war excess-profits tax regulations No. 41, in which it requested the concurrence of the Senate.